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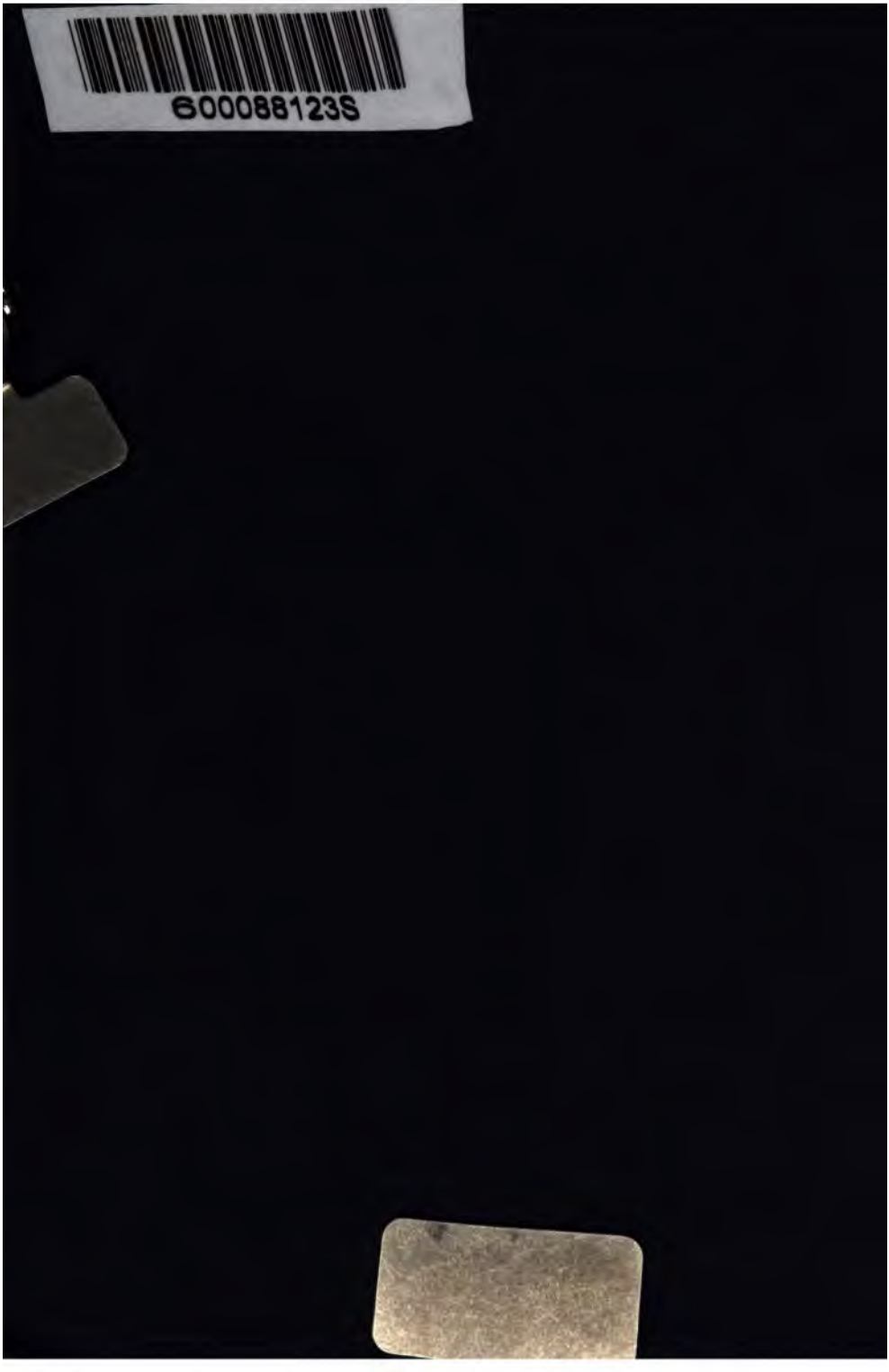
THE CHURCH IN RELATION TO THE STATE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THE CHURCH IN RELATION TO THE STATE.

BY

EDWARD MILLER, M.A.

RECTOR OF BUCKNELL.

'Self-reverent each and reverencing each,
Distinct in individualities.'

TENNYSON'S *Princess*.

LONDON:
C. KEGAN PAUL & CO., 1 PATERNOSTER SQUARE.
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TO

MY FELLOW-CHURCHMEN

AND

MY OTHER FELLOW-COUNTRYMEN

ESPECIALLY

THOSE WHO BEAR CHIEF AUTHORITY IN CHURCH AND STATE

These Pages are Inscribed

IN THE EARNEST PRAYER

THAT

A SOLUTION OF PRESENT DIFFICULTIES

MAY BE WORKED OUT UPON

THE SOUND BASIS OF THE ANCIENT CONSTITUTION.

PREFACE.

THIS book is meant to be a summary in a readable form of the chief principles and facts upon which rests the great question of domestic politics at the present day.

The need of a thorough examination all round into the Relations between Church and State, as exhibited in Nature, in Revelation, and in History, has been more and more impressed upon my mind during the accomplishment of this work by the constant experience of the last two years. And perhaps the present time affords a more favourable opportunity than has hitherto occurred for attempting to combine all parties in the Church by suggesting, as founded upon the fruits of past experience, modes of settling disputed points, which appear to be legitimate developments and applications of forces strictly constitutional.

I am not aware that reference has been omitted to any important facts of history or natural or of revealed principles which might have appeared to have an inconvenient tendency. As in a previous study of more than

thirty years, so now, Horace's words may perhaps be reversed in saying,

Non mihi res, sed me rebus subjungere conor.

Whatever faults may be apparent in the conception or execution,—in the mode of treatment, or in the endeavour to embrace so large a subject within so small a space, or in points concealed from myself,—yet I venture to claim that this is an honest and zealous attempt, however humble, to grapple with a vast question in a manner which includes some suggestions that have not, so far as I know, been made in our time till now.

But my indebtedness to many Friends is great, both for actual information and for valuable references to various books of authority in their respective spheres. The intelligence amassed by the 'Church Defence Institution,' where 'defence' has led to most useful exploration, has been very advantageous to a search meant to be complete. And I cannot but express my obligations to the school of early English History, which in future years will probably be regarded as the most remarkable feature in the University of Oxford of the present time, and in which occur the names of Haddan, Stubbs, Freeman, Bright, Green, and others.

The severe, and indeed embittered, controversies of the day, will leave a blessing behind, if they teach us to learn more of that merciful Providence in the past, under Which foundations have been deeply laid upon the rock

that we may even now discover, and upon which, if I mistake not, we may reconstruct our building so as in course of time to comprehend again under God our brethren who have left us, and may rear supports that may maintain it through the Divine Grace amidst the manifold shocks of the ages to come.

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CONTENTS.

CHAPTER I.

PRELIMINARY ELEMENTS.

PAGE

THE question of the day—why treated—influence of national characteristics—attacks on Church of England—other questions involved in the inquiry—four solutions of the difficulty—the Church a function of the State—the State a province of the Church—Disestablishment—Establishment—predominance of State—predominance of Church—both equal and independent—both identical 1

CHAPTER II.

THE STATE—IS IT OF DIVINE OR HUMAN ORIGIN.

Hobbes's view—Spinoza—Locke and Warburton—no such ceremony recorded—States universal—fails to prove them not Divine—a general tendency—natural forces Divinely implanted—doctrine of Holy Scripture—the Divine origin of States not very often impugned—theory of Rev. A. H. Mackonochie—involves unconscious Manicheism—limitations of this inquiry 11

CHAPTER III.

DIVINE ORIGIN OF THE CHURCH.

Introduction—Three Theories—I. Solitarism—contradicted by experience—by the tendencies of human nature—an exaggeration of individuality—II. Congregationalism—a system of disunion—a

PAGE

low form of organization—a merely earthly tenet—III. One Holy Catholic Church—foreshadowed by the precedents of the world—our Lord not a literary character—Founder of a Kingdom—no other theory entertained till the Reformation—confirmatory evidence—the Church represented as supernatural—legitimate national variation—National Branches of the One Catholic Church . . 22

CHAPTER IV.

THE CHURCH OF ENGLAND THE DIVINELY APPOINTED CHURCH OF THE LAND.

Need of National Branches of the Church—a question of fact—identity of the Church throughout—founded in British times—evidences of Celtic origin—Celtic conversion of the Angles—Churches of the British Confession—Celtic missions—second origin under Augustine—Consolidation under Theodore—English missions—the effects of the Conquest—independence of Rome—Reformation—identity preserved—the tyranny of the Rebellion—the present day—not a Parliament Church—Roman indictment proves too much—Catholic Faith—continuity never snapped—founded by no Act of Parliament—Church unity the source of State unity—oppression need not destroy life 37

CHAPTER V.

THE LIMITS OF THE TWO JURISDICTIONS.

Present state of the argument—bequest of Christ—not worldly—He addressed the will—the Church's charter—general acceptation—external goods—excommunication the punishment—the sword rejected towards opponents—Jurisdiction of the State—patriarchal rule—prosperity of the governed—limited by liberty—does not reach the inner nature—the sword—contrast between the two Jurisdictions—distinct—extreme Papalism evidently inadmissible—and Erastianism—Prussia—both Church and State must be independent 58

CHAPTER VI.

THE RELATIONS BETWEEN CLERGY AND LAITY.

Mutual jealousies—despotism of clergy—turbulence of laity—the Church's Charter—actual appointment of an organized Ministry in regular descent witnessed in the Bible—in early Church history

PAGE

—absolute need of such—foresight and provision of our Lord—the Laity form the bulk of the Church—participate in priesthood—provide funds—exercise patronage—join in general decisions—assent subsequently to special ones—Bishops and presbyters—Bishops the declarers of Doctrine—the Clergy initiate Ritual and Discipline—the Laity manage Finance—all settle general questions—answer to lay objections—to clerical objections—safeguards in such action—violations in Ireland—observance in the Colonies . . . 73

CHAPTER VII.

HISTORICAL SURVEY.

I. The Universal Church.

Recapitulation—appeal to history necessary—Universal Church—before Constantine—independent of the State—lay influence—bi-annual and annual meetings of Provincial Synods—union with State—double character of the Sovereign—bearing towards the Church—appointment of bishops—general influence . . . 95

CHAPTER VIII.

HISTORICAL SURVEY.

II. The Anglo-Saxon Church.

Independent origin—consolidated before the State—areas not conterminous—never formally established—origin of tithes—part of Church system—early legislation abroad and at home—how applied—patronage of livings—patronage of dioceses—confirmation of appointments—National councils—union between Church and State—character of the period 106

CHAPTER IX.

HISTORICAL SURVEY.

III. The Mediæval Period.

Effects of Norman Conquest—increase of foreign influence—separation of joint meetings—gradual extinction of regular National Councils—Ecclesiastical Assemblies side by side with Parliament—greater prominence of Provincial Councils—contests between the Kings and the Church—the Church the corner-stone of English liberty—Magna Charta—Synods the patterns of Parliament—Convoca-

PAGE

tions before the summons of Edward I.—'The Three Estates of the Realm'—greatness of the thirteenth and fourteenth centuries—relations of the Convocations to Parliament—cessations of National Councils—position of the Pope—appointment of bishops Papal provisions — Friars — lay-preaching — importance of the period 117

CHAPTER X.

HISTORICAL SURVEY.

IV. The Reformation Period.

Wars of the Roses—fall of the aristocracy—despotism of the Crown—Edward IV.—act of submission—tyranny of Henry VIII.—Royal Supremacy—Elizabeth's policy—Court of High Commission—Court of Delegates and Commission of Review—*Congé d'élire*—the Convocations—Prayer-book—last revision—intolerance on both sides—close of the period 134

CHAPTER XI.

HISTORICAL SURVEY.

V. The Modern Period.

A silent revolution—extinction of the lay voice—explanation—suppression of the Convocations—renewed meetings—long suppression—the Convocations revived—coldness in the eighteenth century—societies—causes of the coldness—traditional horror at proposed changes in the Book of Common Prayer—imperialization of Parliament—drift of Church and State into new relations—twenty-eight particulars—strong feeling of Churchmen—room for real statesmanship 149

CHAPTER XII.

GENERAL REMEDIES FOR PRESENT DIFFICULTIES.

Widespread dissatisfaction—three remedies—Disestablishment—Increased State-control—Constitutional Adjustment—provinces of reform—results of historical survey 165

CHAPTER XIII.

DISESTABLISHMENT.

PAGE

Survey—two classes of advocates—Political Dissenters—spoliation—objection to presumed state-control—Nonconformists—Churchmen—three orders—effects of Disestablishment—advantages—greatly overrated—disadvantages—unchristianizing the State—detailed changes—lowering of religion—of the clergy—loss of endowments—the poor—Liberationist treatment of Churches—revolution—Churchmen in the majority—gaining ground—Disestablishment bad in principle—would produce bitter controversies—would be carried by Scotch and Irish votes—need of more spiritual freedom 171

CHAPTER XIV.

INCREASED STATE-CONTROL.

Advocates—origin—overwhelming objections—milder aspects—would not produce contentment—inconsistent with the creeds—would stifle spirituality—would lower the clergy—would offend quiet and loyal Churchmen—freedom for the Church—elements of truth in this opinion—fear of clerical domination—horror of change . . 195

CHAPTER XV.

CONSTITUTIONAL ADJUSTMENT.

Representative Action.

Necessary—balance changed—machinery out of gear—reform of the Convocations—constitutional—must invade no privileges—a National Council—fusion of the Convocations—extension of the clerical franchise—curates—educational clergy—formerly three Provinces—historical and essential weakness of two—a new archbishopric—representation of laity—'the draft bill'—suggested constitution of the lay body—probable course of business—separate and united debate—diocesan synods—meetings of Provincial convocations—constitutional lessons—answers to objections—against lay co-operation—against clerical privileges. 208

CHAPTER XVI.

CONSTITUTIONAL ADJUSTMENT.

Judiciary and Patronage.

PAGE

Examination of the case—power of the Crown—justification—Judicial Committee—old system—present disadvantages—ecclesiastical difficulties—episcopal administration—judge of the arches court—court of delegates—committee of review—legislative action.

§ 2. *Congé d'élire*—clergy and laity—deans and chapters—sale of livings—committee on patronage—diocesan boards—diocesan augmentation fund—veto on all appointments—Crown patronage—confirmation of episcopal appointments—consecration in own cathedral 228

CHAPTER XVII.

CONCLUSION.

Drifting of the Church—need of historical investigation—constitutionalism—prospects—object of this book 244

APPENDICES.

I. The Jurisdiction of the Church of England 247

II. Relative Proportion of Churchmen to Nonconformists . . 249

III. Abstract of Lord Hampton's and Mr. Beresford Hope's Returns 252

IV. Annual Income of the Church of England 255

V. Letter to 'The National Church' upon the best policy on the Burial question 257

VI. Proposal made by the Convocations in 'the Draft Bill' for expediting reforms 260

VII. Letter to 'The Guardian' on Diocesan Inspection of Board Schools; or, rather, Diocesan Examination of Church Children in Board Schools 263

INDEX 267

THE CHURCH IN RELATION TO THE STATE.

CHAPTER I.

PRELIMINARY ELEMENTS.

THE definition of the relations between the Church and the State has become, or is fast becoming, the leading subject of the present time. The question was opened in Scotland in the disputes about State patronage, which led to the formation of the Free Church in 1843. It has been canvassed almost silently in the English Colonies through the natural upgrowth of Churches, some of which were unexpectedly found to be independent of State control. Revolution has violently effected a change in Italy. Disputes have been long going on in Germany. The Church in Ireland has been disestablished. Society in England is seething more or less with a contention between discordant principles, which threatens organic measures that are objects of fear to a large number of quiet and thoughtful subjects of the Realm.

The following contribution towards the settlement of this important question is offered by the author of this work mainly for the two following reasons. First, because those who mix in the business and haste of modern life have of necessity little leisure for that clear abstract thought which can be pursued only in calmness and rest. Yet for the solution of intricate and perplexing questions, such reflection is essentially necessary, as may enable us to reduce the constituents of complicated problems to their simplest factors, and to weigh separately and conjointly the several factors or elements. Accordingly, in the second place, it is most important in the interests of truth that the entire question should be viewed all round; that every solution should be examined candidly and impartially; that the springs of thought on the subject should be investigated; and that the inquiry should be pursued to its natural conclusion. If this course is effectually followed, the necessary result must be that some cobwebs should be brushed away, and that some dusty corners must be swept out. How far the present attempt may be removed from such success, candid readers will be able to judge for themselves.

When we cast our eyes over the western world, three Nations strike us as standing especially prominent in relation to religious matters. The philosophical ethnologist cannot help observing the effects of National tastes, and of habits of disposition, thought, and action, upon the various acceptations of Christianity. The ardent and precise men of Latin and Celtic descent, regulated by the

traditions of Roman and Mediæval civilisation, form the moving power in the Roman Catholic communion; and in the struggles between the spiritual and civil power in Italy we find one phase of the question before us markedly pourtrayed. The phlegmatic and ruminating Teuton, on the other hand, supplies us with another aspect in Germany, the head-quarters of his race. And in England, where Teutonic and Celtic blood have been both originally and throughout the history of the nation compounded and blended together, we find a specimen of a mixed race. While the English people therefore present characteristics in religious life savouring both of the Teuton and the Celt, the presence of two such elements cannot but necessitate constant contention more or less active and embittered. At the same time, a field is thus presented where both may enter, and where differences may be discussed and composed.

Such is, I believe, in brief the philosophical account of the grand divisions in the western Branch of the Catholic Church, and of the separations of sentiment and opinion in our own country. Differences in race or in ethical origin involve different instincts, different habits, different modes of thought, different acceptations of a common idea, and varied interpretations of a Catholic institution. In the complication of these interpretations, in the delicate labour of separating the genuine from the spurious, and in the arduous task of persuading people to surmount their ethnical prejudices, lie the real difficulties of modern controversy.

But fixing our attention upon the Church of England,

and regarding her in reference to the State, we cannot but be struck by the wide-spread dissatisfaction of the present time at the existing relations between the two. Whenever attacks upon her are made, whether by Romanists on the one side, or by Dissenters on the other, a prominent place is nearly always given to the charge that she is 'a Parliament Church.' We may learn a valuable lesson from these assailants.

> Fas est et ab hoste doceri,
>
> Why, even foes
> Counsel to wise men oft disclose.

And just now, this charge is taken up also by many people within the Church's Communion. Not only such as are regarded perhaps unjustly as restless spirits, but quiet and attached members who would never dream of dying out of her pale, are seriously troubled by the want of spiritual freedom for the Church amongst us. When therefore from two opposite quarters, between which there is the strongest antipathy of opinion, the same charge is repeated; and when the chorus of voices from without is swelled by a concord of others from within; we are bound to ask ourselves, whether there be grounds for such an arraignment of the Church of England; and if so, whether the evil is of recent or of ancient origin; how it can be removed, and so removed as to place the Church of England in a proper position as a Branch of the Church Catholic, and in such a relation towards the State as shall neither compromise her own proper independence, nor trespass upon the due and lawful domain of State action.

This is the object of the present inquiry; an inquiry in which it is intended, as far as circumstances admit, to search through all the legitimate provinces of this great subject.

This inquiry derives also more importance from the existence of serious underlying questions which are more or less involved. The implied reconciliation of Revealed with Natural Religion; the demarcation of the separate provinces of the Church and the world; the relative positions of the Clergy as the leaders of the Church, and of the Laity as the rulers of the State, must to a greater or less degree come under consideration. On the other hand, the internal regulation of either Church or State is in the main foreign to the present investigation, except only so far as the outward action, and especially the political movement of the Church, are governed by the nature and operation of energising principles.

Inasmuch as there are only two Bodies in question, two terms to be combined, it is evident that there can be only four possible combinations. Thus:—

1. The Church may be a function of the State. This is no mere supposition. On the contrary, such an arrangement may be seen actually at work in Prussia, where the Church is placed under the Minister of Religion, and is virtually little more than a province of the State. The organization of the Church is therefore regarded at Berlin as purely a mundane affair, and the Church itself is taken to be Christian simply because it believes in the main features of the written Gospel. All

other orthodoxy, whether Sacramental or lying otherwise beyond that vague interpretation, becomes in effect only an accident of its existence, not an essential condition. And even this bond is reduced almost to a minimum, in consequence of the principles of the 'Protestant Union.' For from the fear of intruding between the individual and Almighty God, the members of the Protestant Union promulgate the tenet that definite Creeds are not necessary, but that unity can be secured by the introduction of parallel forms of worship, which any one may choose, according to his needs.[1] Bonded together in this slight connection, the Church in Prussia is now definitely placed under the Minister of Public Worship, without whose consent not even that of the King can be asked for any measure. Under him there is doubtless a Supreme Council. But in that council not only are the clergy swamped by the number of the lay deputies, who are chosen without reference to any religious qualification, but the influence of 'State-churchdom,' is further shown in the presence of thirty members nominated by the King. And as the relative number of deputies is regulated by the amount of the population, 'in the opinion of a not unfavourable judge,' the result is that the Church is surrendered to the influence of the masses, and at the same time placed at the mercy of the State.[2]

2. On the other hand, the State may become a mere province of the Church. This form of organization is a natural development of the civilizing forces of early

[1] Geffcken's *Church and State.* Translated by E. F. Taylor, ii. 395.
[2] Id. ii. 405.

mediæval life, when the chief intellect and cultivation of the time were found amongst the clergy. In this direction Theodore, in the middle of the seventh century, assumed the title of 'Sovereign Pontiff.' In A.D. 704, the first province was made over to Pope John: and the donation to the Popes of St. Peter's patrimony by Pepin and Charlemagne made them technically, as they had long been virtually, the temporal sovereigns of Rome.

The claims of Gregory VIII. and Innocent III. to universal dominion cannot enter into a discussion with practical interest in the nineteenth century: nevertheless the extreme Papalistic opinion, by which people still hold after Bellarmine that the Pope ought to be the head of the State in which he lives, affords an instance in point. For the State is thus reduced to a province of the Church, and an actual solution of our problem is presented to consideration. When in the first half of this century the Pope was head of 'The Dominions of the Church,' both in the territory round Rome and in the Legations; when a cardinal was chief minister, and other cardinals occupied the rest of the leading posts in the government, a spectacle was evidently presented of the Church so swallowing up the State, as that the latter was only a department of the monopolizing polity. Doubtless there were limits to this. The existence of secular kingdoms in Italy, Austria, France, Spain, were proofs that such an absorption of the State could not be carried out except in a narrow sphere.

3. Another form which the relations between the Church and the State assume, is when the two are dis-

united. Disestablishment, including both the cases where the previous establishment of the Church has been removed, and those where the two have never grown together into closer connection, may be seen at the present time in Italy, Ireland, the British Colonies, and in the United States of America. The exact conditions may slightly vary. There may be, perhaps only for a time, a state of antagonism between the two, as has been shown by the embittered relations between the Vatican and the Italian Government. There may be a condition of complete, but peaceable independence, such as now is found in America, the English Colonies, and in Ireland. A practice may prevail of State interference, as has occurred of late years in Switzerland. There may be also instances where the true Church has had to struggle against the oppression of a State which had established an alien religion, as was seen in the three first centuries after the Christian era. But the point of the matter is, that, except when the action of the Church or of her members comes naturally beneath the cognizance of the secular courts, each of the two bodies regulates its own concerns without the other intervening. And although, under the variations of human affairs, this character may not always be sustained, yet those become the typical specimens which most nearly answer to the required conditions.

4. Lastly, the union between Church and State, or what is commonly called Establishment, may assume various phases.

First, the State may predominate; and whilst a

certain amount of liberty is allowed in matters purely spiritual, the Sovereign, or the Parliament, may have the power of altering the regulations of the Church, either without consulting the Church herself as a Church, or by making laws which derive their sole authorization from the powers of the State.

Or again, it is possible, and history has supplied instances, as in the Middle Ages, where the Church has controlled the movements of the State. In these last cases the power of the Sovereign has usually been wielded by ecclesiastics, as in the reign of Philip II. of Spain, and of his wife Mary in England, and in governments under the influence especially of the Jesuits during the predominance of that Order.

Thirdly, each may be equal and independent.

And lastly, as in the ideal condition sketched by Hooker, the two may be identical. 'We may speak of them as two,' says that learned writer, 'we may sever the rights and causes of the one well enough from the other, in regard to the difference which we grant there is between them, albeit we make no personal difference. For the truth is, that the Church and the Commonwealth are names which import things really different; but those things are accidents, and such accidents as may and should always dwell lovingly together in one subject. Wherefore the real difference between the accidents signified by those names doth not prove different subjects for them always to reside in. For albeit the subject wherein they are resident be sometime different, as when the people of God have their being among infidels;

yet the nature of them is not such but that their subject may be one, and therefore it is but a changeable accident, in those accidents, when the subjects they are in be diverse.' [1]

This last mode of connection between Church and State, where the two are merely taken as different aspects of the same Body politic, even supposing that Hooker is just in his philosophical views, having never been seen amongst us since the time when he wrote, and being beyond the political horizon of the day, may for the present be laid aside. But with reference to the discussion before us, which has a practical object, we may remark that the true relations between the Bodies connoted by these two terms must depend upon the nature of either respectively. Therefore, we are brought at once to the consideration of two questions, What is the nature of the State? What is the nature of the Church? These bodies are the two elements of our inquiry; and, if we are to avoid being tossed about upon the sea of uncertainty prevailing around us, and if our opinions are to be otherwise than confused and ill-founded, we must have definite ideas, before we combine them together, about their respective natures and provinces.

[1] Hooker, *Eccl. Polity*, viii. 1 (5).

CHAPTER II.

THE STATE—IS IT OF DIVINE OR OF HUMAN ORIGIN?

ARE States merely human contrivances for the promotion of general well-being and comfort, in which men covenant, or agree, or make a social compact with one another?

According to Hobbes, government is formed by a covenant or contract, entered into on the one hand by those who are to be subjects, and by those who are to be rulers on the other.[1] The covenant or contract thus formed is in his opinion tacitly adopted ever after by all future sets of rulers, and by all future sets of subjects. And he regards this covenant as so binding both upon the original contractors, and upon those who have inherited the contract in which complete unconditional obedience is stipulated, that in his view the supremacy

[1] 'This is more than consent or concord; it is a real unity of them all in one and the same persons, made by covenant of every man with every man, in such manner as if every man should say to every man, "I authorize and give up my right of governing myself to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner." This done, the multitude so united in one person is called a Commonwealth, in Latin, *Civitas*.'—Hobbes, *Leviathan*, ii. 17.

of the rulers becomes a divine right, and obedience is a religious duty.

Spinoza considers this contract more in the general light of an agreement. He supposes that every man possesses the natural right of living without relation either to Government or Religion. But, inasmuch as it is to his advantage to live according to the dictates of law and reason, every particular person therefore transfers the power that he has to the society in which he lives. So that there is thus a general agreement, or league, under which people pass their lives, that is thenceforward binding because they have agreed to it.

Locke attributes to this opinion a still more open character when he says that the origin of States is found in a general social compact. According to his ideas, all men are born in a state of equality by nature, which is also a state of freedom, though not of licence. In this they remain, till by their own consent they make themselves members of some political society. Under a 'social compact' they 'agree with other men to join and unite into a community, for their comfortable, safe, and peaceable living, one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left as they were in the liberty of the state of nature. When any number of men have so consented to make one community or government, they are presently incorporated, and make one body politic, wherein the majority have the right to act and conclude the rest.'[1]

[1] Locke, *Two Treatises of Government*, 1694, ii. 8. See also ii. 2.

In this view Locke is mainly followed by Warburton, who asserts that 'Society was invented for a remedy against injustice,'[1] and maintains the actual agreement of men at some time or other to form themselves into political communities.[2] These opinions were strongly controverted by Lord Bolingbroke, who doubts whether man had ever existed in the condition of individuality imagined by these writers.[3]

According to these theories, which though differing in mode of statement and in depth of colouring are in the main identical, States are only of human origin. By their own free-will, and from their own deliberate choice, men once determined to combine together, and have ever since lived in commonwealths or States, varying indeed in organization and in modes of government, but presenting nevertheless instances everywhere, in which they join together to live a common and orderly life, instead of seeking in individual separation the means of existence.

But when we proceed further to examine into their soundness, after noticing the paradoxical character of the theories themselves and of the reasoning wherewith they are supported, we are struck with their want of agreement with what we know of the history of the human race. We are told of a covenant, or agreement, or social compact. When did any such ceremony take place? And why, if our early ancestors entered into such a contract, should the mere fact of that contract, as Hobbes

[1] *Divine Legation*, i. 2. [2] *Works*, vii.
[3] *Fragments or Minutes of Essays*, x.–xvi.

contends, bind posterity for ever? No one can give the time of such an event: and is it not therefore a mere figment of the imagination, prompted by the wish to account for the existence of States in a way most agreeable to the modes of thought of the several inventors of these theories?

Again, if the erection of States is merely a matter of human choice, and is the result of the unbiassed action of the wills of men, how is the universal prevalence of States to be accounted for? Yet go where we will, we find men living together in common, not cultivating an isolated, independent existence. In this respect, the main characteristics of the civilized life of Europe are found also on the prairies of America, upon the steppes of Asia, about the mountainous heart of Africa, as well as in Australia, New Zealand, and in the scattered isles of the Pacific Ocean. If this tendency to social life is accounted for by the formation of some overt contract, how is it that all races are alike?

Besides this, a covenant might presumably coexist with a divine origin of States, since a heavenly influence might sway the minds of men. So that it is clear that these theories are not capable of supplying an adequate account of the universal fact that, with the exceptions of a few abnormal specimens of humanity, men congregate in commonwealths or States. The causes of this general concordance cannot be discovered in any single acts, of which indeed no record exists, but must at least lie deep in the social tendencies of our general nature. Like horses, sheep, ants, and other creatures, men are gre-

garious. They are made for common life. Union is strength, separation is weakness. If we have learnt nothing else in the varied experience of the present century, we have at least been taught the power of orderly combination in all operations, whether of trade or in accomplishing vast physical works, or in political struggles, or in providing the thousand appliances of life.

Accordingly, no such narrow explanation, no such dry hypothesis, no such gratuitous conjecture, as of a covenant, or agreement, or social compact, can span this world-wide habit of the human race. It is commensurate with the social forces of our common humanity. The innumerable advantages of association are both so many evidences and so many outward causes of such communion. What is universal must be bound up with our very nature.

Hence we arrive at the answer to our question. In coalescing into States, men obey the laws of their being. Hence if man is of Divine workmanship, States also are. Such is the inevitable reply. And as it is not within the scope of the present work to prove the first member of this conditional statement, we follow the general voice of mankind, and take it for granted, and therefore conclude that States are divinely constituted. The human race is essentially calculated for social and political life. And, as the highest part of the design of musical instruments would be lost if they were never used for harmony or in concerted pieces, so men by themselves, in individual isolation and undirected by orderly government, would fall short of the best advantages of their existence. Not

therefore from a choice between two feasible alternatives, but because life is impossible, unless wrong-doers are repressed, justice is enforced, and mutual help is rendered, States everywhere exist. And we can discover no adequate cause for all experience pointing in the same direction, unless we refer this phenomenon to the great Author of Nature.

Such is the witness of Holy Scripture. The Lord is said to be 'Governor among the nations,'[1] 'King of kings and Lord of lords.'[2] 'By Me kings reign, and princes decree judgment: by Me princes rule, and nobles, even all the judges of the earth.'[3] We are told that 'He removeth kings, and setteth up kings.'[4] We hear that He will make 'a little one a thousand, and a small one a great nation;'[5] and that 'there is no power but of God,' and 'the powers that be are ordained of God;'[6] that 'the Most High ruleth in the kingdoms of the earth, and giveth it to whomsoever He will.'[7] Such is the groundwork of the history of the chosen people: the expressions declaring or implying this doctrine are too numerous to quote.

Indeed, it meets with comparatively little opposition. For men of the world are generally inclined to exalt the State; whilst religious men are ready to acknowledge a divine origin. And recent experience, which has taught us the great advantage of combined and well-ordered labour in engineering achievements, in trade, in military, and political, and social efforts,—in fact, in every

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department of human energy,—renders it more than ever needless to linger over the proof of so plain a truth.

Yet, as experience shows, undoubted religious zeal does sometimes so concentrate the mind upon spiritual objects as to be unable to recognise the Hand of God outside of its own special province. Accordingly, we find Mr. Mackonochie, the well-known Vicar of St. Alban's, Holborn, using language which is inconsistent with a belief in the divine origin of States.

'To estimate the evils,' he says, 'which the Church suffers under establishment, we must first realize the fact, which is both manifest in the world and proclaimed throughout the Gospel, that there are in existence simply two great powers; and that these are contrary to, and in their ultimate results antagonistic, the one to the other. These are the Christ-power and the World-power. I suppose no Christian will deny this fact, although many may decline to follow me into what I shall submit is the necessary conclusion flowing from it.'

'There,' *i. e.* in the Epistles and the Apocalypse, 'the world-power is always represented by some horrible monster, warring against God and His Church. Now the State is, by its very *raison d'être*, "of the world," a part of the world-power. What is the end which the civil government in any country is bound to propose to itself? It is the prosperity of that country. That is to say, when property is safe, labour abundant, wages good, exports large, imports small, direct taxation low, and the indicator of the Excise Revenue—the sure witness that the lusts of the flesh are dominating in society—high,

then the State has gained its end in the prosperity of the country. A wise civil government will, no doubt, teach and enforce by its laws morality and a certain kind of religion, according to its own views on that head; but this will not be for the sake of righteousness, purity, and godliness, but simply because honesty, decency, and obedience to law conduce to the general comfort of society.' 'The State in England is both avowedly and actually of no religion, and therefore true to its end as the embodiment in England of the world-power.'[1]

This seems to be clear enough. Yet Mr. Mackonochie appears to hesitate to say openly what his words must mean, viz., that he holds the Church to be the creation of Christ, and the State the creation of Satan.

But looking at his own statement, what a monstrous doctrine this is! That our own State is not an assemblage of all the living beings within her borders, many truly Christian in heart and life, many honourable, upright, generous, and morally excellent, if not proficient in true godliness, and many doubtless who indulge in habitual sin,—not the sum of a mixed crowd who either accept the yoke of Christ, or have fallen from the high estate for which they were originally created, and to which they were afterwards redeemed,—but bad throughout, 'the embodiment' of the 'Lord's enemy, the world-power.' He excludes all high moral principle from the management of the State except by a kind of accident.

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According to him, the guiding rule is simply 'the general comfort of society.' He has no conception of the high-mindedness of our most respected politicians, whom it would be not difficult to name: but, inasmuch as they administer the affairs of that 'embodiment' of the 'Lord's enemy,' which is 'contrary to' 'the Christ-power,' he would have us suppose that men of high character and strong personal religion are sedulously engaged, as for their life's object, in opposing and thwarting the salvation of the Lord.

What is this in effect but Manicheism? That system, which wears such a captivating simplicity, of dividing all things definitely, visibly, and exclusively under two distinct and opposing heads. The Church being of course from Christ, all else will come from below. The Ultra-Ritualist and the Calvinistic Puritan are closely related. But the ancestry of the idea is to be traced to that odious form of dualism which came into Europe from Persia, and in its extreme development involved the double worship of Ormuzd and Ahriman, and was only eradicated by the Mahometan sword.

Doubtless, the State, in itself a part of the original purpose of God in His creation of mankind, has participated in the descent of man from his high destiny. But the abuse does not destroy the use, or annul the pristine design. The contest between 'the Christ-power' and 'the world-power,' if the principles really conflicting may be so termed, goes on inside the State as well as inside the Church. Just as the 'world-power' is never absent from the Church, so 'the Christ-power' is ever

yet the nature of them is not such but that their subject may be one, and therefore it is but a changeable accident, in those accidents, when the subjects they are in be diverse.' [1]

This last mode of connection between Church and State, where the two are merely taken as different aspects of the same Body politic, even supposing that Hooker is just in his philosophical views, having never been seen amongst us since the time when he wrote, and being beyond the political horizon of the day, may for the present be laid aside. But with reference to the discussion before us, which has a practical object, we may remark that the true relations between the Bodies connoted by these two terms must depend upon the nature of either respectively. Therefore, we are brought at once to the consideration of two questions, What is the nature of the State? What is the nature of the Church? These bodies are the two elements of our inquiry; and, if we are to avoid being tossed about upon the sea of uncertainty prevailing around us, and if our opinions are to be otherwise than confused and ill-founded, we must have definite ideas, before we combine them together, about their respective natures and provinces.

[1] Hooker, *Eccl. Polity*, viii. 1 (5).

CHAPTER II.

THE STATE—IS IT OF DIVINE OR OF HUMAN ORIGIN?

ARE States merely human contrivances for the promotion of general well-being and comfort, in which men covenant, or agree, or make a social compact with one another?

According to Hobbes, government is formed by a covenant or contract, entered into on the one hand by those who are to be subjects, and by those who are to be rulers on the other.[1] The covenant or contract thus formed is in his opinion tacitly adopted ever after by all future sets of rulers, and by all future sets of subjects. And he regards this covenant as so binding both upon the original contractors, and upon those who have inherited the contract in which complete unconditional obedience is stipulated, that in his view the supremacy

[1] 'This is more than consent or concord; it is a real unity of them all in one and the same persons, made by covenant of every man with every man, in such manner as if every man should say to every man, "I authorize and give up my right of governing myself to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner." This done, the multitude so united in one person is called a Commonwealth, in Latin, *Civitas*.'—Hobbes, *Leviathan*, ii. 17.

of the rulers becomes a divine right, and obedience is a religious duty.

Spinoza considers this contract more in the general light of an agreement. He supposes that every man possesses the natural right of living without relation either to Government or Religion. But, inasmuch as it is to his advantage to live according to the dictates of law and reason, every particular person therefore transfers the power that he has to the society in which he lives. So that there is thus a general agreement, or league, under which people pass their lives, that is thenceforward binding because they have agreed to it.

Locke attributes to this opinion a still more open character when he says that the origin of States is found in a general social compact. According to his ideas, all men are born in a state of equality by nature, which is also a state of freedom, though not of licence. In this they remain, till by their own consent they make themselves members of some political society. Under a 'social compact' they 'agree with other men to join and unite into a community, for their comfortable, safe, and peaceable living, one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left as they were in the liberty of the state of nature. When any number of men have so consented to make one community or government, they are presently incorporated, and make one body politic, wherein the majority have the right to act and conclude the rest.'[1]

[1] Locke, *Two Treatises of Government*, 1694, ii. 8. See also ii. 2.

In this view Locke is mainly followed by Warburton, who asserts that 'Society was invented for a remedy against injustice,'[1] and maintains the actual agreement of men at some time or other to form themselves into political communities.[2] These opinions were strongly controverted by Lord Bolingbroke, who doubts whether man had ever existed in the condition of individuality imagined by these writers.[3]

According to these theories, which though differing in mode of statement and in depth of colouring are in the main identical, States are only of human origin. By their own free-will, and from their own deliberate choice, men once determined to combine together, and have ever since lived in commonwealths or States, varying indeed in organization and in modes of government, but presenting nevertheless instances everywhere, in which they join together to live a common and orderly life, instead of seeking in individual separation the means of existence.

But when we proceed further to examine into their soundness, after noticing the paradoxical character of the theories themselves and of the reasoning wherewith they are supported, we are struck with their want of agreement with what we know of the history of the human race. We are told of a covenant, or agreement, or social compact. When did any such ceremony take place? And why, if our early ancestors entered into such a contract, should the mere fact of that contract, as Hobbes

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actively working within the State in every Christian land.

If the mere comfort of society is regarded more than it ought to be, if high principles of moral conduct are neglected in the management of public affairs, if religious motives do not animate both external and foreign policy, this only shows how much the Church has to do in the thorough Christianization of the people. But to say that the English State, for example, is the embodiment of that power, which is the enemy of all that is holy good and righteous, would be to ignore the exercise of high principle in our government, in our courts of justice, and in our foreign concerns, and to place us upon a par with the barbarian tyrant who gloats over the torture of his enemies, or depopulates whole districts to satisfy his whims, cupidity, or lust.

Such a tenet therefore can only arise out of a narrow view of human society, and a misunderstanding of passages in the Bible.[1] No doubt the evil of mankind will force itself out in public management and in public life. But that does not prove the State to be otherwise than good in the original design: and the Church's plain duty is to leaven the State, as far as can be effected, whatever may be the relation between the two.

There being then no room for doubting that States are virtually of divine origin, it is only necessary to add a few brief limitations of this thesis.

[1] St. Luke, vi. 20–29. 1 John, ii. 15, 16. The true meaning of our Lord's teaching is shown in His prayer: 'I pray not that Thou shouldest take them out of the world, but that Thou shouldest keep them from the evil.'—St. John xvii. 15.

1. The question concerning different forms of government is plainly alien to the present inquiry.

2. It is evident, that States were not imposed upon man externally, or at any definite time or occasion. They are simply the effect of the energizing forces of man's own nature.

3. Nor again are they due to any individual discoverer, but are the work of men in the aggregate.

4. Lastly, the action of a State, in a normal point of view and in regard to the mere fact of its existence, is the resultant of its own inherent forces. That is to say, it comes into being in conformity with Natural Law, or the Divine Will. That these two last are not seen to be terms practically convertible, though mentally distinguishable, is an instance of a misunderstanding of philosophical axioms which has been driven out of the Church, but still lingers in places where we should have expected to find more acuteness of mind.

CHAPTER III.

DIVINE ORIGIN OF THE CHURCH.

'THE State, next to the Church, exhibits the grandest of all combinations of human things.'[1] Such is the terse saying of one of the first statesmen of the present century. He took for granted the reality of that magnificent conception, the Holy Catholic Church. Yet inasmuch as there are many who have never entered into the sublime features of this noble idea; inasmuch as the existence of numerous and increasing religious societies amongst us is a continual proof of a failure to understand that the Visible Church is divine in origin; it will be necessary to establish this point, so that we may know what is the nature of the other of the two Bodies between which the relation in question lies.

'The Church of England is a Parliament Church;' such is the declaration of Roman Catholics on the one hand, and of several Dissenters on the other. Can this be really so?

Now there are three main abstract theories abroad upon the subject of the Church. First, it is held implicitly, if not openly, that the individual is alone in religion; secondly, that a Church may be set up any

[1] Gladstone's *State in relation to the Church*, p. 106.

where by any body of men, the doctrine alone making it Christian; and thirdly, that the One Catholic Church was founded once for all by our Lord, with a germinally perfect organization, and that any National Church, to be a real Church, must be a branch of that One, Divinely founded Body. The first of these is Individualism or Solitarism; the second is Congregationalism; and the third is what has been generally, if not universally, taken to be the teaching of the Creeds.

These theories demand careful examination.

I. Is every individual so isolated in religion that he can serve God faithfully and acceptably without joining with anyone else? That he needs no help, requires no ministration, stands in want of no teaching, or advice, or encouragement, or dissuasion, except what he receives directly from the Holy Spirit of God? Does Almighty God deal with him as removed from the influences of others, standing like a pyramid upon his own detached foundation, the wild nursling of the desert; not as a member of a society, or intertwined in features of character, in cast of disposition, in habits of life, or in tone of mind, with his neighbours and contemporaries?

If so, the lessons of all experience are contradicted. Doubtless from a distance, Homer, or Demosthenes, or Cæsar, or St. Augustine, or Charlemagne, might appear to tower by themselves as if no one else contributed to their greatness. But a truer and more accurate observation teaches us that no man can be separated from the surroundings of his age or country. Genius only flashes out the thoughts which impregnate the atmosphere. Just

so in religion, even those who seem most to stand alone, owe more to their comrades than a superficial view would suggest. Human nature cannot be judged from a few abnormal and eccentric specimens. The outward rites of religion are impossible without a combination of agents. Religion itself must be deprived of more than half her province, and shorn of much of her chief attraction, ere this supposition be admitted. The record of history is overwhelmingly against it.

So also it is contradicted by all those propensities of our nature which, as already shown, lead men to congregate in States. For there is not one kind of tendencies for the affairs of the world, and another for spiritual matters. Religion addresses herself to the whole of man's complex nature, and satisfies and developes all legitimate and pure instincts and desires. If all the social affections were excluded, and the advantages to be derived from mutual assistance, and the delights shed forth by sympathy with one another were shut out, how cold would be the prospect, how many people would be repelled, how life in such desolate votaries would be contracted and smothered! Instead of this, 'love is the fulfilling of the law,' and union is the general design of the Christian Body.

Yet there is doubtless a secret sanctuary in the heart, which is trodden only by the Holy Spirit of God. 'What man knoweth the things of a man, save the spirit of man which is in him?' The soul must be often alone with God. *Solus cum Solo.* But it is a grievous exaggeration of this obvious truth, and an abuse of the

undoubted individuality of every human creature, to imagine that men must not be combined in spiritual just as much as in worldly matters, if they are to fulfil the laws of their being, and are to reach the standard which is and ought to be attainable by them. Such an exaggeration has led to the conception and entertainment of the theory of Solitarism. It has a narrow foundation, and is swallowed up amidst the activity of the social energies of mankind.

II. Not so Congregationalism, which, so far as the theory here at stake is concerned, includes Baptists and others who in this country have separated from the Church. The essence of that theory in its broadest form is, that a Church may be set up by any body of men, which is made Christian simply by embracing Christian doctrine. That is to say, it is held virtually under this notion that an individual Church is complete in itself, so that the congregation may decide what opinions they may have, and what mode of worship they may adopt; that our Lord did not Himself make arrangements for His Church to be one outwardly as well as inwardly; but that He intended to 'divide the great Society or Kingdom which He left in the world into a multitude of wholly independent bodies,'[1] so that in any case a Church is a 'voluntary association of those who sincerely submit themselves to the teachings of Christ.'[2]

Is this theory to be adopted?

[1] Canon Curteis' *Bampton Lectures*, lect. ii. p. 40.

[2] Parkinson's *State Churches*, p. 7. London: Longman, Green, & Co., 1874.

1. When we examine it, we are first struck with the fact that it is a system, not of co-operation, but of disunion and division. If separate congregations are simply to set up, in doctrine and in worship, what they may chance to like most or think best, types of all sorts must be multiplied over the world, and ever more multiplied as time goes on, which cannot possibly be all of them the truest and the most perfect. If any one will first read the annual summaries of the constantly increasing sects in England and in America, and then immediately turn to the seventeenth chapter of St. John's Gospel, he will see what a contrast is presented by the practical commentary of mankind to the clear expressions in the prayer of our Lord.

2. If indeed after all this be what He meant, how far it falls below the worldly organization of States! Who ever heard of one hundred and fifty States of different magnitudes, all mixed up together, in a country of the size of Great Britain? Why, when unity and order are understood and acted upon in the kingdoms of the world, is there to be separation and confusion in the 'Kingdom of God and of His Christ?' At least one thing is evident, viz., that taking the whole Church into consideration, such a system of organization must lie upon a low level.

3. And then all the Divine element is eliminated. It is of the earth, earthy. For this purpose, Our Lord must have been merely a Teacher of doctrines, not a Gatherer of people into one fold, and a Leader of men. His divine action must have ended when He had ished his revelation of things in Heaven; and all the

machinery necessary, and the moral action, and even the germs of government and rule, must have lain outside of His arrangements.

But the question is properly one not of opinion, but of fact. Did Our Lord really set up, or did He not, a Catholic Church, which was meant to be one outwardly as well as invisibly?

III. We come then to the third theory, viz., that there is One Holy Catholic Church, which was founded not by men, but by our Lord Jesus Christ; that therefore no man, or body of men, can lay any other foundation than that which was laid by Him; and that that foundation therefore was Divine in origin, and was thus laid once for all.

1. Now the precedents of the world would have led us to expect, that in a reconstruction of human nature such as He claimed to effect,[1] operations would be conducted not only upon individuals separately, but upon human nature in the aggregate, and upon human beings welded together in an united form. The social and political tendencies of mankind had before led them in the direction of universal dominion. The vast imperial structures, such as were reared in Egypt, in Assyria, by Nebuchadnezzar, by Cyrus, by Alexander, by Roman genius and prowess, standing as they did amidst the multitude of smaller states, proclaimed the scope and aim of those forces, which were not to be annihilated,

[1] John iii. 3-8; Matt. ix. 16, 17; xiii. 33; Luke v. 36-39; 1 Cor. xv. 45-50; 2 Cor. v. 14-17; Gal. vi. 15; Eph. iv. 22-24; 1 John v. 11, 12, etc.

but to be directed afresh under purified influences.[1] From the history of the world therefore before our Lord came, we should have been led, in a regeneration of mankind upon a large scale, to look not merely for a revelation of Divine knowledge, or even an improvement of nature in unconnected individuals, but rather for a large organization sufficiently defined, and yet with a constitution broad enough and open enough to include within the fold people of all nations, characters, and languages.

2. Advancing now from antecedent anticipations to the actual facts of our Lord's career, we find that He did not assume any literary character. He composed no book, as Mahomet wrote the Koran, or Moses the Pentateuch. All that we know of His sayings we derive from the accounts given by other men. His teaching was only oral. The only composition of His of which we are quite sure of possessing His exact words is what is commonly called the Lord's Prayer.

Yet if His great object had been to set forth a particular teaching, how much more effectively would He have done so, if He had left a treatise behind Him upon Christian doctrine. Such a book would, upon the Congregational theory, have supplied all that was necessary to Christian congregations wherewith to combine themselves anywhere, and so to possess all that was requisite for the highest form of Christianity.

But on the contrary, His character was that of a Leader of men, Who associated with Himself several other men whom He taught, and Who at His departure

[1] Daniel.

from the earth left them behind with definite instructions to form a Society to which He had already imparted the chief elements. Thus in the place of a book, or of a collection of writings, He established an organized Body of people, as the witness to His teaching and as the means of propagating it, and of enshrining it in permanent institutions. In the course of their administration of their trust, some of the chief of His followers wrote some books,—not as set treatises to explain the doctrines committed to them,—but either as histories of the leading events, or to subserve some special purpose according as circumstances arose. The main feature remains untouched, that before any books at all were written,[1] the Body itself was erected with appointed leaders, with a definite mode of worship, and with a code of instructions.[2] Thus much we know. The very brief record, which tells us only a tithe of what happened,[3] may most probably have failed to convey to our knowledge all the parts of the foundation which our Lord really laid.

3. But we may go further. The claim actually set up in prophecy, by John the Baptist, and by our Lord, was that a Kingdom would be reared.

Not only were numerous prophecies[4] delivered that

[1] The regular name for the Believers in the Acts of the Apostles is 'the way,' ἡ ὁδός, signifying a mode of life, not holders of a doctrine. See ix. 2; xvi. 17; xviii. 25, 26; xix. 9, 23; xxii. 4; xxiv. 14, 22.

[2] Acts i. 3; John xiv. 26; Acts ii. 42.

[3] John xxi. 25.

[4] Is. xxxii. 1; xxxiii. 17; Jer. xxiii. 5; Zech. ix. 9; Is. ix. 7; xi. 1-5; xxii. 22; Ps. cxlv. 13; lxxii. 8; Dan. ii. 44; vii. 14, 18, 27; iv. 3; Ps. xlv. &c.

a King in His beauty should come, Who should reign and prosper and execute judgment and righteousness upon the earth, but the Kingdom itself was promised and contrasted with the previous kingdoms which the world had seen. So strongly was this aspect of the Messiah's coming pressed upon men, that the offering of a kingdom is represented as forming part of the Tempter's toils; and the Apostles themselves put the question as being uppermost in their minds, and expressing the cherished anticipations of their nation, grounded upon the entire range of prophecy, 'Lord, wilt Thou at this time restore again the Kingdom to Israel?'

John the Baptist again, does not appear as saying the preaching of the Gospel is at hand, or the great Revelation is now on the point of being delivered, but 'The Kingdom of Heaven is at hand, repent ye, and believe the Gospel,' i.e. the good tidings respecting it.

The mention of the Kingdom is made more than one hundred times in the four records. Whenever the future dispensation is described, the figure used is that of the Kingdom of Heaven, or of God. The parables are invariably introduced with this preface. It was the common name used by our Lord for that which He was going to establish. In whatever other light He may have regarded it, there can be no doubt that He contemplated it as above all a Kingdom.

Could He have meant, as some people suppose, a Kingdom, if such it could be called, bound together in an invisible unity, but separated outwardly into a thousand separate, independent, differing, discordant, opposing

fragments? Is it possible that a Divine design, which He carried with Him from the Courts above,[1] could have contained confusion, disagreement, and disunion? Is it the intention of a worldly kingdom, that the subjects should be ruled under a collection of separate governments, reared upon different principles, according to the choice of any set of men who choose to assemble together? What is the connotation of a kingdom, especially of one which forms part of the Divine ideal, if it does not include a regular series of orderly governments, duly subordinated to the highest rule of all, harmonizing and agreeing and united, especially in the same provinces, and all constructed after the same pattern, only with due variation according to the various offices and duties and scope of each?

It is evident that nothing less can satisfy the meaning of this striking figure. If our Lord had any other object in view, He could not have employed this favourite term. But that He was apprehensive of the dangers of division, that he was afraid of the sin of man breaking up into pieces the structure which He meant to be perfectly entire, is proved by the remarkable and reiterated expressions of that pathetic prayer which was wrung from His soul upon the brink of the agonies of His contemplated Passion. To any one who has once entered into the spirit of that grand and touching chapter, it must ever remain a mystery, how thoughtful and earnest men can permit themselves to maintain

[1] John vi. 38; v. 19, 30; viii. 28; ix. 4; xvii. 4, &c.

schism, when their Lord's desire for unity is so unmistakably and affectingly declared.

4. This position was so clear to the members of the Church during at least the first thousand years of her existence, that no other theory was entertained and recognised. The infant Church settled her affairs as one unbroken body. The Superior Council at Jerusalem regulated the general concerns of all the subordinate congregations. Schism was regarded as a heinous sin. There was free communion throughout the assemblage of believers. The idea of independent congregations never occurred to their minds. Afterwards, the decrees of General Councils were received as binding by authority upon the churches wherever situated. Even the confusion, which followed upon the flooding of Europe with heathen barbarians, did not permanently affect this belief. The Church was regarded as one, holy, undivided, catholic. And she continued in this unity, till, after the first thousand years, the jealousy between the east and the west produced the grand schism. But that even that yawning division did not alter the doctrine was shown by each part claiming, one from its orthodoxy, the other from its sedulous maintenance of this very doctrine, to be the true representative of Christ's Holy Church upon earth. It was not till the Reformation, that is, till sixteen centuries had elapsed, that people began to maintain that no outward unity is necessary. This latter notion is in fact an anomaly in the history of the Church.

So that it is plain that the Church, as originally taught by our Lord, and as receiving and handing on

His teaching, held the doctrine of what is termed in the Creeds the 'One Holy Catholic Church.' What can exhibit this conclusion in stronger light than the fact that there was a technical name for those who caused divisions, and for the divisions themselves?[1] That this was regarded as a sin which was strongly inveighed against and condemned? That it was the subject of common prayer; that it is first mentioned and branded in the Bible; and that it is precisely that rending of the Church's outward unity, which is a matter of unconcern to so many at the present day?

5. But the evidence establishing our conclusion is abundant. Even in a brief survey like the present we may light upon numerous confirmatory points.

(*a.*) Thus the Church is called the Body of Christ. How can that be a body, which is capable of being divided without injury into fragments? And if outward oneness is not connoted by the Christian body, what a strange use this is of a figure, which must bring to our minds material unity if anything at all. Yet St. Paul draws out the figure into detail, and in words excludes this very supposition.

(*b.*) Again, our Lord has compared the Church to a sheep-fold, and said emphatically that there is but one Fold and there is but one Shepherd. What an emptying of the obvious meaning of the term, if it be taken as signifying one Fold inwardly, and hundreds or thousands of folds externally.

(*c.*) We are told that there is but one Faith, and there

[1] 1 Cor. xii.

can be no sort of real doubt that this is so. Yet unity of faith postulates unity of life. People who have the same religious belief transforming the nature, must, to be consistent and effectually practical, carry it out into concord, communion, and love.

(*d.*) It is impossible to imagine that there can be anything but unity in heaven. To answer to this there must be unity on earth. Unity and disunion are opposites, not correlatives.

(*e.*) The Holy Spirit is said to dwell in the Church. Can His abode be a congeries of discordant bodies? Must it not be one, holy, undivided, and catholic?

(*f.*) Lastly, the Church is represented as being supernatural in origin and in nature. It is spoken of as one, not as an assemblage of small congregations. It is called one by our Lord, when He described His intention of founding it, by the sacred historian who speaks of it repeatedly after it was founded, and by the authors of the Epistles, and of the Revelation. The plural word is doubtless employed to signify the assemblages of believers in various places; but this employment for a meaning which is easily reconciled with the other cannot override the far more numerous instances where the term expresses the One Catholic Church of Christ. The history of its foundation is also given, and sets forth its supernatural character. After the Lord had appointed the first officers who were to bear rule, and when having first arranged the organization, and given full instructions, He had ascended into Heaven out of their sight, He sent down according to His own promise the Holy Ghost

upon them as they were assembled together. The immediate growth of the infant Body was also consonant with its supernatural character. And in accordance with this heavenly origin and nature, it is called by St. Paul, not merely the Body generally, as has been already remarked, but the Body of Christ.

This rapid survey shows how the One Holy Catholic Church, as it is termed in the Creeds, is Divine in origin and nature; that it was not set up by any mere man, but by the Lord Jesus Christ; that therefore it cannot be again founded by any body of people; that it is intended to be one outwardly, as well as inwardly; and that no other theory can be held upon any evidence at all satisfactory. For besides the general considerations pointing in this direction, the question is really not one of opinion, as to what may be problematically the best, but rather as to what has in point of fact been established by our Lord. There is but one account, if we examine into the recorded events of the history: and there can, therefore, be but one answer to the general question.

But we must notice two important limitations.

(1.) The unity of the Church does not prevent variety in worship and habit—within due limits—in various countries. Unfortunately the sin of men has rent asunder the robe which was meant to be without seam or division. To close the rents is the great work of the Church of the Future. But before doing so, churchmen in their several countries must come to understand what are the due limits of such legitimate variation, as may be

properly introduced by different nations with peculiar habits and characters in different places; what really belongs to the teaching and arrangements of our Lord and is unalterable, and what may be adopted by several bodies of Christians without interfering with, or infringing upon, the truth which He delivered once for all. This is a grand problem,—grand in the due adjustment of variations according to the principles of true liberality, and of the unchangeable Faith, and grand also in its probable effects as preliminary to the recovery of Catholic Union.

(2.) A proper distinction must be made between the whole Catholic Church generally, and the several branches of the Catholic Church. No Branch, whether national, or provincial, or diocesan, must be taken for the entire Church. On the other hand, every Branch, if it still adheres to the Vine, participates so far as it is a Branch in the Divine origin of the parent stock. These self-evident truths need no proof or amplification.

CHAPTER IV.

THE CHURCH OF ENGLAND, THE DIVINELY APPOINTED CHURCH OF THE LAND.

WE have seen that, by the direct and special institution of our Lord, His Catholic Church was set up to accomplish upon earth the great work which He had undertaken for the salvation and sanctification of all mankind. In thus carrying out His purposes under Himself as the reigning King above, and with the help and guidance of the Holy Spirit below, the Universal Church, whilst keeping entire the bequest of the Faith, must accommodate her general arrangements to the circumstances of men. Therefore there must be a Branch in each Christian country, which is the representative there of the Catholic Church. Such in the first centuries was the African Church in North Africa, the Alexandrian in Egypt, the Church of Palestine, and others.

I have now to show that the Church of England is the Branch or representative in England of the Catholic Church, and is therefore appointed by our Lord as the Church of this land.

The argument here too is mainly one of fact,—resting

on the events of the history of the Church of England. For if, as has been proved, the Catholic Church was set up by our Lord personally, with a commission to spread over all countries in the world; and if the Catholic Church, acting under that commission, has indeed, as is established in history, occupied this land in one of her Branches; then it is no longer a question of opinion or choice for us whether we shall acknowledge and join her, but a point of duty that we ought to submit to an authority which appeals to us under Divine sanction. The governing question, therefore, is one of fact. But it will be necessary also to reply to two charges brought by Romanists and by Dissenters.

I. It is really an irrefragable truth of history that the Church of England at the present day is identically the Church which was planted by the agents of the Church Catholic in this country. Apart from any question of opinion, whether she is right or wrong in her Doctrine and Discipline, such is the plain, unvarnished fact. Whether she has deteriorated, or whether she has improved, there has been no breach, or rift, or chasm, in the continuity of her existence.

This position must now be made good.

1. The exact time when the Church was founded here is uncertain. If we hesitate to attach credence to the stories of visits of St. Paul, or of St. Joseph of Arimathea, or of King Lucius' invitation to Eleutherus, yet the assertion of Tertullian that 'places in Britain not yet visited by Romans were subjected to Christ' at the opening of the third century can hardly have been

unfounded in truth.[1] There must have been settlements of the Church in Britain in the second century, if not at an earlier date. At all events,—not to linger upon questions which really do not concern the argument,—three Bishops from Britain took part in the Council of Arles in the year 314, A.D. And their names are recorded, viz., Eborius of York, Restitutus of London, and Adelphius of Caerleon.[2] The British Church also supported the orthodox side in the great Arian struggle. It accepted the Nicene decision; British Bishops maintained the decrees of the Council of Sardica, and three of them were present at the Council of Ariminum. St. Athanasius could commend them for their loyal orthodoxy.

After the departure of the Romans, the fortunes of the Church in Britain appear to have fallen to a low ebb. But at the time when Augustine came on his mission towards the close of the sixth century, notwithstanding the severe reverses consequent upon the Saxon conquest, she was far from being dead. Amidst their difficulties, two Bishops, Theon of London, and Thadioc of York, are said to have joined the Archbishop of Caerleon, and to have fled with the surviving clergy into Wales. But flight was not extinction. There were bishops to meet

[1] See Canon Bright's *Early Church History*, pp. 1–5. Haddan and Stubbs, *Councils*, i.

[2] 'De civitate Coloniæ Londinensium,' Mansi, *Conc.* ii. 476. The impossible word 'Londinensium,' has been supposed to stand for 'Camelodunensium' (Colchester) or 'Lindensium' (Lincoln), but is probably put for 'Legionensium' (Caerleon). There would then be a representative of the third Roman Province, whose capital was Caerleon, and an 'unbroken tradition has always assigned the third archbishopric to the latter place.' Haddan and Stubbs, *Councils*, i. 7. Haddan's *Remains*, 230, note. Bright, pp. 9, 10.

Augustine on the famous occasion when he demanded a conference, whether it was on the Aust cliff above the Severn or elsewhere. And the Irish Church, herself probably an offshoot of her sister in Britain, was now entering upon her short but wondrous course of activity. The great St. Columba had crossed more than thirty years before to the island of Iona, or Hy, or Icolmkill, and was soon about to close 'the noblest missionary career ever accomplished in Britain.'[1] In the land of the Scots he had already established a centre from which, in course of time, Christian life was to well forth as far south as the Thames.

After the efforts of St. Augustine and his companions for the establishment of the Church in the North of England had ended in the flight of the baffled Paulinus, Oswald sent to Iona for a fresh bishop. In answer to his request St. Aidan came; and fixing the headquarters of his diocese in the island of Lindisfarne, managed to succeed where the southern missionaries had failed. From Northumbria the Church spread southward into the Midlands, and even into Essex. If the first great impulse in converting the Anglo-Saxons was given by Augustine and his followers, the Celtic Christians of the north entered into their labours, and became the main agents in subduing the island to the obedience of Christ.

The greatness of that Church, whose remains are so conspicuous at Glendalough and in the Irish museums, and which so powerfully assisted the native Christians

[1] Bright, p, 57.

of Britain in the spiritual subjugation of their conquerors, cannot be estimated without taking a brief survey of her missionary efforts. It is most remarkable that in the sixth and seventh centuries the Celtic Churches of these islands became 'the leading Churches of Northern Europe, the great centre of learning, the prolific hive of missions, and the focus of devotional feeling for all Christians north of the Alps, except where Italy still kept an opening for herself through the southern portion of France, and by the help of the Catholic Franks.'[1] This was an influence wholly independent of the Church of Italy. 'These Churches of the British Confession' had 'their own liturgy, their own (in part at least) Latin translation of the Bible, their own mode of chanting, their own monastic rule, their own missions, their own succession of bishops, lastly, their own old-fashioned but erroneous cycle for observing Easter; unconscious, at the time of their severance, of any submission due to the bishops of Rome, and unhesitatingly repudiating it when circumstances brought it before them.'[2]

The missionary enterprise of the Irish Church included the following achievements. Besides the labours of St. Columba amongst the Scots and Picts, and the work done by St. Aidan amid the Northumbrians, a large body of missionaries left the shores of the emerald isle at various times. In 589 A.D. St. Columban crossed from the Irish Bangor and settled at Luxeuil, as the apostle to the Burgundians in the Vosges district of Alsace. Driven out from thence after a sojourn of many

[1] Haddan's *Remains*, p. 219. [2] Ibid.

years and after much successful labour, he finally took up his abode at Bobbio in Italy, to a village near which he bequeathed the name of San Columbano. Both Luxeuil and Bobbio became important religious centres. St. Gall, a pupil of this great Irish leader of foreign missions, was the apostle of north-eastern Switzerland and the immediate neighbourhood, and he is similarly commemorated by the city bearing his name. St. Kilian was both the apostle and the martyr of Thüringen. Another missionary, called Virgilius, was the apostle of Carinthia. And before this period St. Fridolin had passed by Poitiers and Strasbourg to Glarus, founding churches as he passed along.

These greater names are representative of numerous bodies of missionaries, who in those days, when the influx of heathen hordes had raised a huge barrier between the churches in the British Isles and those in the South of Europe, went forth from Ireland, then a veritable land of Saints, and spread throughout France and Switzerland, and into the borders of Germany, bearing the torch of Christian faith and love. Across the sea, they reached Iceland and the Faroe Islands. These labours, of which ample traces still remain, shed a great light upon the origin of the English Church. A narrow survey of history has led to serious error in the assignment of our spiritual parentage.[1]

2. For the service rendered by St. Augustine and his

[1] This is copiously shown in an essay by that most painstaking and accurate of investigators, the late Arthur West Haddan. (*Remains*, 'Scots on the Continent,' pp. 258–294).

band has been greatly overrated. As far as permanent results went, it was almost confined to the conversion of Kent. Paulinus retired from York, Mellitus from London; and if St. Felix, who indeed was a Burgundian recruit, remained in East Anglia, this was probably due in great measure to the help which he received from Fursey, an Irish monk, who, with two brothers of his own and two other priests,[1] came over to preach the Gospel there. The kingdom of Sussex, notwithstanding its proximity to Canterbury, remained long in heathenism. And the establishment of a bishopric at Dorchester near Oxford, whence the seat of the diocese was afterwards removed to Winchester, was due to Birinus, the apostle of Wessex, who was sent by Pope Honorius, independently of the Canterbury mission.

Still the arrival and labours of Augustine and his followers were great facts. The conversion of Ethelbert and the Jutes, and the steady adherence of that nation, clouded by only one brief interval, exercised a most important influence in the conversion of the Angles and Saxons. The succession of Bishops was placed beyond dispute. And it is most probable that the efforts of the Northern Celts were assisted by the Britons, who remained behind, especially amongst the Angles, in much greater numbers than historians have been in the habit of imagining. Where they were most thoroughly driven out, as in Sussex and Middlesex, conversion was slower, excepting always those subjects of Augustine's brilliant success, the Jutes of Kent. But in fact, the real origin

[1] Bede iii. 19; Bright, p. 125, note.

of the Church of England, as the Church of the whole people, was much more indigenous than has usually been supposed. Instead of being newly introduced, she mainly rose in a spiritual conquest of conquerors effected by those who had been conquered temporally.

3. In some respects, the Church owes more to a successor of Augustine than to Augustine himself. The merit of consolidating the two lines of descent, and blending them into one skein which would never be unravelled, belongs to a man of much greater strength of will and force of character, the Greek Archbishop Theodore. He was assisted in the main, but opposed in details, by the generous but impetuous Wilfrid. Till his time, the Church had been a mere collection of missions, unconnected and disunited. Theodore left behind him sixteen bishoprics,[1] the other fifteen of these occupants being subject to the Archbishop of Canterbury as Metropolitan. He held the first synod of the whole Church in England at Hertford, on September 24, in the year 673, and a second at Hatfield on September 17, 680. He regulated much disorder, and bequeathed to his successor a consolidated Church.

'The pastoral system, thoroughly supervised by bishops, with sees of manageable dimensions, and worked by an educated clergy, and the whole regulated by an annual synod, such were the four points on which, helped perhaps by eastern experience, his whole work

[1] Canterbury, Elmham, Stow, Ripon, Rochester, Lichfield, Hereford, Hexham, London, Leicester, Worcester, Lindisfarne, Dunwich, Dorchester, York, Whitherne. (Haddan, p. 122.)

was concentrated.'[1] The parochial system doubtless 'needed no foundation.'[2] It was simply the form which the Church took all over the land, as in foreign places, when developed into a satisfaction of all needs commensurate with the country. But some of the canons in what is called 'The Penitential of Theodore' show that the Church of his time, under his vigorous and statesmanlike superintendence, aimed at a thorough establishment of this system. A Church with its proper presbyter, weekly mass, and sermons, was in all cases to be provided.[3] The landowner was to have the patronage, and was to furnish the funds necessary. In the Church's own system of tithes a regular provision already existed for the maintenance of Divine Worship, of the clergy, and of the poor.

The united English Church now succeeded into the place of the Irish as the chief missionary Church in Christendom. As was likely, the field of operations was in a measure changed. The Irish missionaries had worked amongst their own Celtic kinsmen and their subjugators in France, Switzerland, and North Italy. The English went mostly to their Teutonic friends in Germany. At their head were Willibrord and Boniface. The former of these, a Northumbrian, following Wigbert, sailed in 692, and settled in Frisia, now Holland, becoming bishop first of Wiltaburg on the south side of the Rhine, and afterwards of Utrecht. So that, coming

[1] Haddan's *Remains*, p. 320.
[2] Canon Stubbs' *Constitutional History*, i. 227.
[3] 'Penitential of Theodore.' Haddan's *Remains*, p, 323.

as he did from Wilfrid's monastery at Ripon, he thus fathered on the English Church the Church of Holland, and that Episcopate which in our own times has rendered so much service to the Alt-Katholiks of Germany.

St. Boniface, the apostle of the Germans, at first worked under St. Willibrord, who wanted him to be his successor. Attempts in Germany had been made before by Suidbert, one of Willibrord's early companions, and two brothers named Hewald ; but the full success was reserved for Boniface, who came from a noble and wealthy family settled at Crediton. His labours extended over Hessia, Thuringia, Bavaria, and over a large part of central Germany. He became archbishop of Mentz, and his province included the dioceses of Worms, Spires, Tongres, Cologne, Utrecht, and all the surrounding people of Germany who had received the Gospel through his labours.[1]

The light shed by the missionary successes of the Churches of these islands illustrates their indigenous life and force, and exhibits their growing strength as Branches of the Catholic Church of Christ. The Church of England soon, as well as the sister Church in Ireland, fell for a time under a cloud, as compared at least with their former brilliancy, owing to the incursions of the Danes, and the severe struggles thus produced. The fresh purity of their early faith was somewhat tarnished, and the free flow of enthusiasm was impeded. But by degrees the Northern conquerors of a great part of the country were brought into the fold, and the later

[1] Robertson's *Church History*, ii. 106.

period before the Conquest was remarkable for activity in Christian life all over England.

The whole of this period was conspicuous for unanimity on the the subject of religion, except in minor matters inside the Church, such as were the contests between the regular and secular clergy. The Church of the land conducted herself independently of Rome. Yet innovations were pressed upon her, and were resisted by sturdy opponents, such as was Elfric, one of the first Anglo-Saxon prose-writers, and a strenuous defender of his own Communion. The clergy continued to marry till after the Conquest.

4. That event naturally gave a great impulse to the introduction of Roman customs. All the bishops, except Wulfstan, of Worcester, were ejected from their sees, mainly because they had received no palls from Rome. The appointment of foreign bishops, especially as in the advancement of Lanfranc and Anselm to the archiepiscopal chair of Canterbury, led to a closer assimilation to the habits of the continent.

A very important result was the separation of civil and ecclesiastical jurisdictions. which had been united in Anglo-Saxon times. In the court of the shire the bishop had been accustomed to preside along with the alderman. But now by the laws of William the Conqueror the bishop was not allowed to sit there. Spiritual causes were to be tried only in ecclesiastical courts. The bishops, however, were not permitted to obey citations to Rome : nor would William allow the

orders of the Pope to be promulgated in England without his own royal sanction.

When the Saxon and Norman elements in this country, which like the waters of the Missouri and Mississippi at their first junction remained for some period separate and distinct, at last were blended into one common nationality, the independent character of the English Church re-asserted itself with characteristic force. The interference of the papal power was opposed in various enactments, and under the general policy of some of the kings. Besides the effects of the Act of Mortmain, made in 1279, Edward I. passed a statute (35) definitely against papal 'provisions,' which was the name applied to previous nominations to certain benefices of which the Pope claimed the patronage, and to which he thus presented before they became actually vacant. Under Edward III. more stringent laws[1] were passed against these 'provisions,' and it was enacted that King John's donation to the Pope, being made without the concurrence of parliament, was null and void. And during Richard II.'s reign, under the statute of *Præmunire* in 1392, severe penalties were pronounced against those who should procure, or aid and assist in procuring, 'at Rome or elsewhere, any translations, processes, excommunications, bulls, instruments, or other things which touch the king, against him, his crown, and realm.' In 1512, about twenty years before the Reformation in England, we find Archbishop Warham inhibiting judges specially

[1] In 1351 and 1353. In the last year was also passed an 'Ordinance of Præmunire.'

appointed by the Pope, and frustrating appeals made to the see of Rome.[1] The existence of the Lollards showed, not only the tendency of opinion, but particularly also the tone and temper of the whole people. They felt that they had an independent Church ; and though they submitted in certain matters in which they then recognised the authority of the primary see, they nevertheless set bounds to that authority, and refused to allow it to outstep those bounds.

5. No one can doubt the independence of the English Church, as against the Roman, at the period of the Reformation. Her independence as regards the State will be illustrated afterwards. The chief point now to be established is the continuity of her life throughout that severe trial. The thread had great strength, and without a doubt it remained unbroken.

We must ever bear in mind, that at that time the Church and State in England were conterminous. All Englishmen were Churchmen. The whole people with small exception, including Gardiner, Bonner, and other advisers of Queen Mary, agreed to the assertion of independence against Rome. Convocation declared in 1530 the supremacy of the Crown as against the intrusion of any foreign power, and in 1538 appealed upon the dispute with Rome to a General Council of the Universal Church. These acts were confirmed by the King and by Parliament. The opposition was stamped out ; the movement was general, solid, and undivided.

[1] Dixon's *History of the Church of England*, i. 18 ; Wilkins, *Concilia*, iii. 653.

But under the advisers of Edward VI. it advanced at an accelerated rate, which did not by any means command the sympathies or the adhesion of all the Church. So that the return to Papal allegiance under Mary was less arduous. Yet if ever the Crown coerced the Church by tyrannical measures it was then. Not only were prelates, who had been before excluded from their sees, restored; but the fire and the stake, and other measures, removed those bishops and clergy who refused to acquiesce in the changes now enforced. The pretended convocations in that reign, both of Canterbury and York, were merely packed assemblies.

The accession of Elizabeth removed the tyranny which had overridden the Church. The bishops, doubtless, who had been forced by Mary upon the Church against the wish of the large majority of churchmen, resigned their dioceses. The succession, however, was preserved by means of Scory, formerly bishop of Chichester, now of Hereford; Barlow, once of Wells, and now preferred to Chichester; Coverdale, formerly of Exeter; and Hodgkins, Suffragan of Bedford. The entire Church acquiesced in the return to independence of Rome: nor was any measure of opposition adopted till after the bull of Pope Pius V. in 1570, in consequence of the plain terms of which conspiracies were afterwards made to assassinate Elizabeth and put Mary Queen of Scots upon the throne.

That the Church now continued with identically the same individual life till the Great Rebellion, no one can doubt. No change occurred of anything like the mag-

nitude requisite for raising the question. But at the rebellion, a period was introduced like that in Mary's reign, though without even the constitutional sanction then possessed, in which the Church was arrested in her regular procedure by the exercise of tyrannical power. The abrogation of the Prayer-book and the introduction of the Directory were accomplished without the semblance of authority from Convocation, and in defiance of all spiritual enactments. It was in no sense a reform from within: it was a revolution effected by an uprising from without. It was the substitution by the power of the sword into the place of the old Church of England of an alien body, constructed upon principles which had never been acknowledged or admitted since the first foundation of the Church in the earliest centuries.

Accordingly, when the time of this tyranny was overpast, the Church was naturally restored upon her old lines. Except in minor matters, which were constitutionally altered, all things fell back into their old places. The Prayer-book was recalled into use. The bishops who were alive were simply restored to their dioceses, and the surviving clergy to their parishes. The Convocations re-assembled. The Church had been violently kept in a state of torpor during the frosty winter of the Commonwealth. She awoke with her powers unimpaired but purified to her old field of operation and her old habits of action in the spring of the Restoration.

Such is identically the Church of England of the present day. Whether her doctrine is right or wrong,

more or less perfect or more or less erroneous, is another question. But that her identity has been preserved ever since the time of her earliest existence in this country is a truth which appears to be as clearly established as any truth of history. The same name has been preserved, and the members of the Church have been themselves utterly unconscious of any fresh start, or new origin of life. There have been changes doubtless at certain periods. But none of them, nor indeed all of them together, have gone deep enough to interfere with the inner currents of her being, still less to break or snap the cords of her animate existence.

Yet Romanists on the one hand, and Dissenters on the other, judging upon superficial and narrow principles, imagine,—for it is really pure imagination,—that the Church of England is not virtually founded by Christ our Lord. According to one, it is not a Branch of the Catholic Church: according to both it is a Parliament Church.

I. 1. The main argument upon which Roman Catholics deny the catholicity of the Church of England covers too wide a field to be here traversed. She was excommunicated by Pope Pius V. in 1570: *therefore*, she is no longer a Branch of the Church; the limb is cut off. Upon the same principles, the Eastern Branch of the Church is declared to be outside of the pale of Christ's Church, notwithstanding the fact, besides other considerations, that this limb threw out so much living force as to convert the whole of the empire of Russia, after the

limb itself was almost dead according to the Roman theory.

That theory which supposes that the Pope alone is the head of the Church, and that those who are not in open communion with him are outside of the Church, has required for its support the forgery of passages from the fathers, and of false decretals. It is not found in the records, or acknowledged by the authority of the Early Church. Doubtful questions were then settled by general Councils, not by the Pope sitting in council. This is simply a mediæval attempt to attain organic unity in the Church by concentrating all power into a despotism. Its strength at the present time as adapted to our own age may be seen by a comparison of this Communion, which claims sole possession of the Presence of our Lord, with that dead limb, as she considers it, in England. In Italy, France, and Spain, the laity have mainly slipped off into infidelity. Whilst in England, though we are alas! far from being free from relapses into unbelief, yet this century has been made for ever remarkable in the history of religion for a most extraordinary uprising of religious life and activity in the Church, which has made itself felt outside of her borders, and even within the communion of Rome herself.

2. But secondly, the Church of England has never forsaken the Catholic Faith. She holds and uses in her worship the Three Creeds. She has an uninterrupted episcopal succession: she maintains the Sacramental system, and the Sacraments. She refers back for her own authorization to the worship and tenets of the early

Church. Her Prayer-book is made up almost exclusively from the prayers and observances in use for centuries before the Reformation; and these latter were derived from the stores of the Universal Church. Her rule for bringing everything to the combined test of Holy Scripture and Church authority is eminently adapted for preserving her anchorage firmly and immovably fixed in the Faith, as once for all delivered by our Lord to His Holy Catholic Church.

3. Besides this, there is no year in which it can be said that the continuity of her life was broken. Even at the beginning of Elizabeth's reign, which is the time most nearly approaching to a chasm in her existence, no such breach can be alleged. The succession of Bishops was handed on according to all the canonical rules. Four duly consecrated bishops, though one would have been enough, duly consecrated Archbishop Parker. The clergy readily accepted the return, after the interval of Mary's tyranny, to the measures of the Reformation. Only an insignificant minority of 189 out of 9,400 refused. If this small fraction, hardly more than one fiftieth of the whole, contained fourteen bishops, it was because the stake and the employment of other despotic measures had created vacancies, and raised men to the top who did not represent the sentiments of Churchmen at the time. Besides this, the laity accepted the alteration. No opposition was made by them as represented in Parliament, though an opportunity was given for opposition. Those who maintained distinctively Roman doctrines were a diminutive minority, enough to show

that another course was adequately advocated, and by an overwhelming contrast to prove that the laity, as an integral body, went the other way. So that, as a matter of fact, there has been an uninterrupted continuity of existence as regards all classes in the Church, bishops, priests and deacons, and laity. The Church of England of the present day is identically the Church of Augustine and Theodore.

II. If then the Church of England is thus proved by the unyielding balance of stubborn facts to be a genuine Branch of the Catholic Church of Christ, can she be said to be a Parliament Church? If so, the course of historical events which has been described in this chapter can never have existed, and the strong arguments which have been represented must have no foundation. The constitutional history of the English people must be rewritten according to dictates of romance; and views of what might have been, reflections of contemporary wishes imposed on the past, must be substituted into the place of facts that have really happened.

If indeed such be the case, by what Act of Parliament was the Church founded? No Act can be adduced which, with any shadow of justice, can be said to be her birth-deed. The Statute-book does not contain such. She has already been proved to have had an independent and unbroken career, from her double origin in the first centuries and through St. Augustine's mission, up to the period of the Reformation, and ever since. In her Convocations,—for though they have been dormant for a

period, yet the power stayed with her and has been revived unchanged,—in her collective possession of property, in her general life, and by the fact that no living man has ever had any doubt in England as to what has been meant by 'The English Church,'—in all these ways, she has given indubitable evidence of an independent existence.

It is, indeed, remarkably true, as will be shown further on in this treatise, that the Church of England existed as an united Church covering the whole country, before the Heptarchy or Octarchy was compacted into one realm. The unity of the Church was, in fact, the pattern after which the unity of the State was constructed. The Assemblies of clergy and other churchmen in councils taught the English to meet before the Conquest in their Witenagemots, and after Magna Charta in Parliament. The clergy were the leaders in both cases. So that it would be nearer to the truths of history to say that the State is the child of the Church, than to call the Church of England a Parliament Church.

If there has been tyranny exercised over her at various times and in various ways; if for the sake of peace she has occasionally acquiesced in measures not her own, or has scrupled to rise in opposition against the powers that be; yet when was identity ever crushed out by tyrannical treatment, or through a too humble spirit of submission? Even Belisarius in misfortunes was Belisarius still. Nor did the oppression of Antiochus or the Romans destroy Jerusalem till it was razed to the

ground by the legions of Titus. The Church of England has firmly maintained the Faith of Christ, and she has by her worship witnessed ever before the world, and has never been without the crown of a numerous progeny of Saints of God.

CHAPTER V.

THE LIMITS OF THE TWO JURISDICTIONS.

TWO fundamental truths have now been established. First, that the State is of Divine origin. Secondly, that the Church of England is the divinely constituted witness of God in this land. The One Catholic Church of Christ was founded by Him: and a living Branch of it for numerous centuries, ever since the English have been a people,—and indeed before that time,—has been worshipping and working here. There cannot from the nature of the case be two Churches, or two Branches of the One Church legitimately authorized in the same country. 'Other foundation can no man lay than that is laid, which is Jesus Christ.'

The subject is now ready for the great discussion of this book, the momentous question of the present time. But we are met with a preliminary inquiry, How can two such bodies as Church and State be combined together? If two Churches or two branches of the Church, or else two States, are inadmissible within the same area of country, is it possible that a Church and a State can legitimately exist side by side? Is it right, and accordant with the true principles which govern, or

ought to govern, our continuance in this world, that the same people should be members of the Church and subjects of the State? Is this an element in the ideal of life which lies before us?

The answer to this question will be found in an investigation into the limits of the two respective jurisdictions. We may thus see whether they overlap one another, or are essentially distinct.

I. Now the jurisdiction of the Church must evidently rest upon the bequest of Christ. What was in her great Founder's mind, what were His enactments upon this point?

1. We may notice first, that He did not fulfil the expectations of His followers. Trained no doubt under Jewish traditions, their heads seem to have been full of anticipations of earthly empire. The later part of His teaching, after the close of the glorious year in Galilee, seems to have been largely taken up in impressing upon them the great law of His Kingdom, that the path to glory lies through humiliation. The entire tone of His doctrine, and especially His illustrations of the way of the Cross, and His rebukes of St. Peter and of the two sons of Zebedee, amply prove that the worldly view of rule was not the one which He had chosen for the Kingdom which He was setting up.

2. But further than this, He exhibited the operation of this general law in His own Person. First, He refused the sword. When it was offered to Him upon the mountain, accompanied with the attractions of all the wealth and pomp and glare of supreme royalty, or when it lay

within His reach all through the ignominy and horrors of His passion and death, it was unhesitatingly left alone. And the terms of the refusal showed that any employment of it was alien to His intent and design.

But beyond this, He addressed Himself, not to the fears of men, except as regards the next world, but to that part of us which is called the will. Even in the case of obstinate offenders, He compared His treatment of them to the care of the loving hen who tries to gather her chickens under her wing. And when He turned to those who received Him, He laid the chief stress upon the springs of action which lie in the heart. He did not single out for praise brilliancy of talent, strong powers of mind, great foresight, vigour in action, readiness of speech, perseverance in difficulty, influence amongst men, industry, courage: but He placed in the forefront of the qualities which He required, humbleness of spirit, patience in trouble, meekness, longing for holiness, mercy, purity of heart, peace-making, submission to injuries. And He exemplified these qualities in His own person by a death which was at once uncourted and unresisted, and which was as far removed from all the ideas connoted by earthly sovereignty as perhaps the mind of man could conceive.

3. Nor less do the terms of the Church's charter bear witness to the same conclusion. 'All power is given unto Me in heaven and in earth: go ye *therefore* and make disciples of all nations, baptizing them.' Disciples would not be made by coercion. When our Lord sent forth His Apostles, or the seventy disciples,

His instructions included acts of mercy, abnegation of this world's goods, withdrawal from, not conquest of, recusants. He sent His emissaries first to 'the lost sheep of the house of Israel,'—such was His description of possible enemies,—themselves 'as sheep amongst wolves,' and bearing with them peace, not a sword. They were to expect persecution, and they were ordered not to resist but to submit. The animating power of the Church was to be the Holy Spirit, Whose movement would be like the trackless wind, Whose whisperings in the heart might be checked or quenched by opposition or dulness, and Whose fruits are chiefly gentleness, love, joy, and peace.

Not by the musket, spear, or sword,
By fire, or force, or angry word,
But by the gentleness of love,
The meekness of the Holy Dove,

By winning back the hearts of foes,
By cure of wounds, by aid in woes;
Where'er the Cross imprints the way,
The Church of Christ extends her sway.

4. And such has been also the general acceptation of our Lord's wishes and arrangements. The Church began by a renunciation of all the goods of this world. And when, as operations increased and her pale was enlarged, such an abandonment of the world became impracticable, the same spirit nevertheless remained. When persecutions raged, no rebellion broke out. The early Christians won permanent victories by submission. In strange contradiction to Mahomet's subsequent propagation of his belief at the edge of the sword, 'the

blood of martyrs became the seed of the Church.' The persecutions by those who owned the Name of Christ in the Middle Ages were the result of an inability to understand this central principle amongst nations who not so long before had been rapidly Christianized, and had not yet learned in that civilization which has sprung from Christianity, how thoroughly to 'drink into that One Spirit.'

> Little they dream those haughty souls
> Whom empires own with bended knee,
> What lowly fate their own controls,
> Together linked by Heaven's decree.'[1]

The secret of the Church's power, and the true field of the Church's sway, are so far removed from the circumstances of worldly success and the characteristics of earthly rule, that they often fail to secure due recognition in quarters where we should expect them to be fully understood. Nevertheless, the pure spirituality of the nature of the jurisdiction of the Church, in spite of considerable misapprehension, has been generally acknowledged.

The attitude of the Church towards the world requires further illustration with respect to three provinces, viz. the provision and the management of the funds necessary for her maintenance, her treatment of offenders, and her bearing towards opponents.

(*a.*) Our Lord did not leave his people without express provision for their support. Besides generally warning

[1] Keble's *Christian Year*, All Saints' Day.

them against a love of the good things of the world,[1] and exhortations to faith in their Heavenly Father,[2] He declared that 'the labourer was worthy of his hire,' and so implied the duty, in this respect, both of laity and clergy. The laity were to provide for the wants of the Church. The old system of Tithes, according to which directions had been divinely given to the Israelites, that they should dedicate the tenth of the property wherewith God had blessed them, was again virtually enacted.[3] Thus the Church contained her own principle of independence. Thus she could go forth into every land with the means of maintenance for fabrics, services, clergy, and poor. This was the origin of those endowments in England, which were devoted by our ancestors to God's service for ever. The Church was set up in any district or parish, and forthwith the needful funds arose from her devoted children. A general realization of this half-forgotten principle, would pave the way amidst much missionary difficulty at the present time.

The duty of the clergy was also declared by Him. They are to demonstrate their needs by throwing themselves and all their work upon the bounty of their flocks. Then in all simplicity they are to take what is set before them. In the case of those who decline to offer their substance, to such they are to refuse the offices of the Church.[4]

(*b.*) The punishment to be inflicted by the Church is

[1] Matt. vi. 24–34. [2] Ibid.; Luke xii. 22–31.

[3] Matt. vi. 19, 20; 1 Cor. xvi. 2; Gal. vi. 6–10; 1 Cor. ix. 7–14; Matt. xxiii. 23.

[4] Matt. x. 9–11; Mark vi. 8–10; Luke ix. 3–5; x. 4–8.

simply an exercise of the moral and social right of mixing with whom she will. The offender is to be separated from the company of the faithful, to lose the privileges of churchmanship, to be cut off from communion. Such is excommunication. No harm to person or property can be inflicted by a purely ecclesiastical authority. 'Remove from yourselves that wicked person,' was St. Paul's application of our Lord's commandment to a gross instance of sin which was submitted to his judgment. All the rest is left in the hands of God. 'Them that are without,' *i.e.* outside of the Church, 'God judgeth.' All the lesser punishments which are permissible, are intended for the reformation of the offender.

(*c.*) In accordance with the same general principle, no employment of outward force is to be exerted against worldly opponents. The sword of the State may of course be invoked in certain cases. But the Church herself cannot fight. She must suffer, if need be, the spoiling of her goods, without using any but moral weapons. Her children must turn their cheeks to the smiting persecutor. In the midst of the great case of all, which was meant as her everlasting model, it was declared that 'they which take the sword should perish by the sword.'

The Jurisdiction of the Church then is strictly spiritual. Its sphere in the individual is the will and the conscience. She controls men as moral, responsible, and religious beings: and she controls them, not by external force, except when necessity requires an appeal to the power of the State, or when she is entrusted with

the discipline of the young, but by means of the resources of a purely moral machinery.

II. Not so the Jurisdiction of the State. The source of this is found in the patriarchal principle of rule. The simplest form of it is where an elderly head of a family, of lordly character, strong intelligence, wide experience, and long-established habits of command, rules gravely and sagely his sons, and his sons' sons. The father is thus magnified into the sovereign. The kingly rule is the same in kind as the fatherly government. The civil sword is in principle the paternal rod.

But moving onward from such elementary ground into the midst of the States of the earth, we find that the groundwork of good government is that it should be exercised upon principles of justice, with a view to the prosperity of the governed. So the roots lie deep in human nature. But government must be maintained for the general good of the subjects of the rule, and for the maintenance of moral rectitude,[1] both against opponents and against wrong-doers. The power of the government must of necessity be superior to any other power that interferes with its operations. Hence the need of the military sword and the civil sword, of the army and of the police.[2] Hence the necessity of outward sway and of external punishment.

[1] Mr. Mackonochie's mistake (above, p. 17) lies in ignoring this most important part of State rule.

[2] The rudimental state of our own law of treason was in great measure the cause some years ago of the serious indiscretions in Jamaica. This is a wide subject to broach in a short note. But it may be remarked,—

(1) That the same extreme punishment ought not to stand in the

But we reach here an important limitation, which distinguishes political rule from the exercise of parental authority. There can be no true prosperity for men and women without liberty. Now the seat of liberty is the will. The parent in the young child must seek to train the will, and can fairly restrain the exercise of it; though even he ought never to engage in such a contest as would involve continued and reiterated punishment till the child yielded, as for example in the case of an obstinate refusal to say some word, or to do some petty act. But the State has nothing to do with the inner nature unless it ripen into overt actions, contravening some law. Picking up scraps of speech out of the sacred privacy of domestic life by means of despicable informers, and tacking them together so as to furnish evidence of treasonable design or illegal purpose, has ever been a symptom of imperious tyranny. There can be no true liberty, unless the region of the inner nature is not taken in itself, and by itself, to be free from the intrusion of the powers of the State.

But then two conditions must be complied with

statute-book as the last penalty for political offenders, and for gross criminals; and least of all, that the former should be subject to severer treatment than the latter.

(2) That a careful code of provisions should be drawn up for the treatment of political violators of the conditions of peaceful life, with an equal view to the safety of society on the one hand, and to the distinction between political and moral guilt on the other.

(3) That the two classes should not be subject to the same treatment, or confined at the same place.

This important distinction is commended to the consideration of Mr. Justice Stephen. Till it is adequately recognised in our law, Fenians and others will have unfortunately a just cause of complaint.

necessarily. No overt harm must be done by any one, to government, or person, or property. Secondly, no law must be infringed.

Besides controlling persons, the State has the regulation of all property. This constitutes another most important field of her operations.

III. Hence we arrive at the following results:

1. There are two jurisdictions deriving their authority independently, viz. the State, from the general conditions of human nature, and the Church from the definite bequest of Christ.

2. The province of the one is outward conduct and material wealth, so far as they affect the general prosperity. The province of the other is the will and the conscience.

3. The first has compulsory powers, only limited by true liberty. The second is purely voluntary, the rewards and punishments being in the next world, except withholding of communion.

4. Hence the fields of neither overlap the other. They occupy distinct provinces marked off by a common boundary line. And together they cover the entire area of the life of man.

We have now reached a point where, from principles already established, the province of our inquiry is narrowed. For the two first answers to the general question, as stated in the outset, are plainly inadmissible. If the State is to be merely a province of the Church, one of the Divinely appointed systems for accomplishing

the well-being of men will be so far nullified, and the Church will step beyond her borders into land carefully fenced off by our Lord Himself. And if, on the other hand, the Church be made a function of the State, His creation of an independent Church will be to that extent abolished, and the seeds and stalks of true liberty will be smothered in their growth.

1. When therefore the Pope was the temporal Sovereign of the Papal States, the true development of the country thus ruled was impeded, because the government was in hands trained for ecclesiastical purposes, instead of being exercised by those whose province lay in the affairs of this world. Who would now point to Cardinal Antonelli as a typical specimen of an ecclesiastic? What a contradiction in terms was the Pope's army? As if he who claims to be St. Peter's successor might smite with the sword without danger of rebuke, and he whose name proclaims him to be the spiritual father of his people could show his paternal care by showers of bullets and cannon-balls. It is surely clear that the lives of ecclesiastics cannot be spent in the management of the concerns of States, such as taxation, exports, imports, productions of the country, the army and navy, home government, foreign policy, and such like, without impairing that tender solicitude for spiritual interests which is the distinguishing mark of the true 'servants of Christ and stewards of the mysteries of God.'

2. Nor with less sternness on the other side must we reject the Prussian plan of reducing the Church to a

mere political organization 'under the tutelage of a Minister of Public Worship.' For what habitual anxiety for spiritual concerns can a Minister of State be expected necessarily to cherish? Where religion is hardened into the systematized and clock-like machinery of a great public department, and the clergy are moved about under the direction of the company of clerks sitting in their central office, where is the room left for the earnest zeal, the voluntary energy, the ready self-sacrifice, which are inseparable from the essential holiness of a Church? The effect in Prussia has been the absolute deadness of the system thus instituted.

In the city of Berlin, we are told by an observer very unlikely to be unfavourable,[1] though the present numbers of the population has reached the total of one million, and there is on an average only a Church for about every 30,000 persons, there is yet on Sundays generally room enough in them and to spare. There is no perceptible difference in the streets on the Lord's day, and those who go to church seem to feel that they are risking their reputation for enlightenment and culture. Since the introduction of civil marriages, and the relaxation of compulsion in religious rites in 1874, the clergy have had little to do. After a lapse of three years, 12,000 children were already left unbaptized. Only 24 per cent. in 1875, and 29 per cent. in 1876, were married with religious rites. Communicants have rapidly de-

[1] *Theological Review* for January, 1878. Article signed 'Andrew Chalmers.'

clined. About half the population is buried without any religious ceremony.

In fact, religion has come to be ignored by three-fourths of the people. It is regarded merely as a 'survival,' an anachronism rapidly becoming obsolete amidst a progress of human thought in which Socialism is a distinguishing characteristic. The higher grades stand haughtily aloof. The commercial classes devote their spare time to political questions.

By the new constitution of 1874, the adult parishioners elect representatives to look after the parish. These representatives elect the members of district synods. These again elect for the provincial synods. The general synod of the church, excepting a small number of *ex-officio* members, consists of one-half elected by the Provincial Synods, and the other half nominated by the king. Care was taken to keep out too many lay-members. Nevertheless the power ultimately rests in the hands of the parishioners, and the orthodox are excluded.

Already a violent contest has raged upon the question of retaining the Apostles' Creed, which is regarded by a large number as an antiquated formulary. It was only saved for the moment by the King's interference.

Such is the inevitable tendency, when the State usurps the prerogatives of the Church, towards a suppression of the Faith, and towards a congelation of religious earnestness.

3. We are also furnished in the foregoing discussion

with main principles, which will guide us in formulating our answer to the general question.

The State being on the one hand virtually a Divine creation, inasmuch as it is an inseparable condition of human action, a necessary province or development of life, without which peace, co-operation, union, justice, and happiness, are generally impossible to attain; and on the other, the Church having been definitely founded by Christ, with officers and institutions of her own, and the Church of England being a genuine Branch of the Universal Church, entrusted with the spiritual mission in England and Wales; and further, each of these two Divinely constituted bodies having separate jurisdictions in this country; it evidently follows, that no solution of our difficulties can possibly be satisfactory, which does not fully recognise the independence of each of these two. If the Church trespasses upon the domain of the State, meddling with the administration of government, or interfering, except *in foro conscientiæ*, with trades and industries, or wielding the civil sword; or if the State interposes in controversies of faith or spiritual life, or employs direct coercion in matters purely religious, or takes the reins into her own hands, or refuses to permit freedom of election and of self-government; then it is just as clear, that the one is violating the independence of the other. The domains of the two are distinct; and in the maintenance of that distinctness lies the secret of satisfactory and permanent co-operation between the two bodies.

But this is the place to draw conclusions only in

the abstract. The application of the principles which have been already worked out, and which, it should be added, are often wrongly applied, must be postponed to a later stage in the discussion. The special conditions of the alliance between the Church and the State, as unfolded by past history, are not yet before us. And a further elucidation of some principles is even yet desirable.

CHAPTER VI.

THE RELATIONS BETWEEN CLERGY AND LAITY.

BEFORE advancing further into the investigation of the subject, it will be necessary to examine the relations which the clergy and the laity of the Church bear towards one another.

Much evil arises from a want of understanding about their mutual position. Laymen are apt to look with jealousy upon clergy, and are afraid of priestly domination. And thoughtful clergymen on the other hand are alarmed, lest by allowing room for lay-management, they should be unfaithful to their trust. Whilst those who are of a more superficial tone of mind are too ready, either to surrender the responsibility which is inalienable from their order, or else to arrogate to themselves privileges which it was never intended they should possess. Besides this, a misconception of the true standing of the clergy has led to dangerous exaggeration.

Two extremes are to be avoided :

1. The sacerdotal despotism of Romance nations. In mediæval times, when the clergy were the sole depositaries of religious knowledge and of general education,—

when they were the only sources from which information could be obtained, whether upon spiritual subjects, or out of the common stores of learning which had been amassed by mankind,—when they were the only men of cultivated minds to be found,—it was natural, and indeed advantageous and even necessary, that they should for the time occupy places of supereminent repute, and influence, and power.

But to retain these places, when the tide of civilization had spread all round, and laymen had become the equals of the clergy in general culture, was quite a different matter. And when, even in religious provinces, the clergy anywhere have reserved for themselves, amidst increasing intelligence, the sole disposal of everything; the laity have either been alienated, or have remained in passive and dull acquiescence. Such are the lessons of Italy, France, and Spain; and such is the Charybdis which the mass of Englishmen are ready enough to avoid.

2. But they often times fall upon a Scylla. The strong individuality of people of the Teutonic race inclines them to deny to the clergy, even in the domain of religion, any leading position at all. By a not unusual swing of the pendulum, they have changed from a maintenance of priestly domination to Congregationalism or Solitarism. Every man may thus be his own priest. No room is allowed for the organization of the Church by our Lord. But opportunity is given, and is readily embraced, of multiplying sects according to the choice or fancies of individuals, till it seems impossible

to say at what point the increase of various forms of religion, each claiming to be Christian, can possibly stop. Such is the confusion ever worse and worse confounded, if people leave the ancient order of the Church reaching back to the earliest ages, and verified by the ablest intellects of the world in the fourth and fifth centuries, when such matters came under controversial scrutiny, as having been part and parcel of our Lord's Revelation.

This question then must be decided by the nature of the Church's charter, as set forth in the Bible and in the facts of Church History, and in the consonance of the results of such an examination with reasonableness and good order.

A. And first of the Clergy.

The existence of a body of men duly set apart for the service of Almighty God, may be traced nearly all through the Bible. And more than this, there was from the time of Moses ever a line of descent; and the first persons in the line were expressly designated and appointed from Heaven. Thus Aaron and his sons were chosen for this purpose, and indeed the whole tribe of Levi. The line amongst the Jews was one of natural extraction. No alien to the chosen tribe could be admitted into the special service of the Lord; and no alien to the chosen family could be received into the priesthood. It is impossible to conceive a system more clear and precise, and more strictly maintained.

In accordance with these general principles, though by a spiritual, not a natural, succession, we find our Lord appointing the ministry for His Church. He chooses

His twelve apostles: He sends forth the seventy disciples; He breathes upon the twelve; He commits the management of the Church to them. And they regulate all affairs after His departure. As the Lord was gone, no one is admitted whom they do not empower. Matthias is chosen under solemn circumstances. Afterwards the seven deacons are ordained by imposition of hands. St. Paul, though sent by our Lord Himself, is also appointed with the same ceremony. As he himself said, 'No man taketh this honour unto himself but he that is called of God, as was Aaron.' Bishops, Presbyters or Priests,[1] and Deacons, are commissioned by laying on of hands.

And such is the unhesitating witness of Church History. From the plain words of the earliest Church writers, such as Clement of Rome, Ignatius, Hegesippus, Irenæus, Tertullian, Cyprian, Firmilian, and the historian Eusebius, we learn that bishops were the successors of the Apostles, and entered plenarily into their powers and privileges.[2] Lists are given by Eusebius,[3] and confirmed by other writers, of the names of the bishops in various Churches, such as at Rome, Antioch, Smyrna, Jerusalem, and Alexandria. So much care has been taken about this matter, that the spiritual pedigrees of every one of our present bishops in England are written

[1] 'Presbyter writ small.'

[2] See the passages quoted, and this position generally proved in the *History and Doctrines of Irvingism*, by the Author, vol. ii. chap. v. pp. 155-180.

[3] *Hist. Eccles.* iii. 4, 13, 14, 15, 34; iv. 4, 5, 10, 27, &c.

down, and traced up without a false step through Augustine and the Frank Vergilius to our Lord Himself.[1]

All this is thoroughly familiar to every one who is acquainted with Church History. The necessity of these arrangements, as a matter of order, was never called in question during the first 1,500 years of the Church's existence, that is, till the Reformation. And a little consideration will show that for purposes of order they are absolutely necessary.

Let any one, for example, place himself back in imagination about the year 100 of the Christian era. The Apostles, who had been left in charge of the Church by our Lord, had by that time all died but one. They had consecrated bishops, as Clement, the third bishop of Rome who lived in those times, tells us, in order that they might succeed them in the management of the Church. These bishops follow the example of the Apostles, and appoint other bishops. When such a succession is thus inaugurated, how is it possible that any other mode of appointment should be introduced? Indeed, men thus introduced, whether in the first, or in the fifth, or tenth, or fifteenth, or sixteenth, or nineteenth century, must be intruders into the unbroken series maintained from the first. It is simply a question of fact, about the existence of an uninterrupted succession which has spanned the Church's existence. There can be no valid doubt that this succession, for the purposes of good order, was established by our Lord Himself. One of the most intellectual men that the world has

[1] They are collected in Canon Stubbs' *Registrum Anglicanum.*

ever seen, whose life was spent in these matters, and that at a time when the absorbing subject of the day occupying the thoughts of the ablest minds was the ascertaining of the genuine teaching of our Lord, has left us a test to apply to this point. The great St. Augustine, Bishop of Hippo, tells us that 'what the Church holds in every place, not from innovations of Councils, but by unbroken tradition, that is rightly believed to have been handed down no otherwise than by apostolic authority.'[1] But there was no doctrine or custom that was, or could be, more universally maintained throughout the Church, than a jealous preservation of this Apostolical Succession. And if it must therefore be taken to be of apostolic authority, that must mean the authority of our Lord Himself.

For it is inconceivable, and positively impossible, that He should not have had the foresight to anticipate such a difficulty as that of providing for the future maintenance of a ministry, after those whom He himself appointed were dead: and it is also impossible, that when He foresaw it, He should not, in those many hours which He passed in private with His Apostles, have given definite instructions concerning it. The truth that the Church could not do without clergy, and the facts that whenever we meet with a particular Church, whether in the Bible or in Ecclesiastical History, we always find clergy, and that lists of successive bishops have been preserved with jealous care, and precautions uniformly

[1] 'Quod Universa tenet Ecclesia nec conciliis institutum sed semper retentum est, non nisi auctoritate Apostolicâ traditum rectissime traditur.'—August. *Contra Donatist.* lib. iv. cap. 24.

taken in their appointment lest a single link should be lost, or one bishop appointed informally:[1] this truth and these facts add a most powerful confirmation to the reference of this arrangement to our Lord's own forethought and provision.

Such then, very briefly,[2] is the evidence upon which it is assumed as free from any reasonable doubt in impartial and well-informed minds, that the existence of a body of Clergy, whose appointment has descended through the bishops in spiritual succession from our Lord through the Apostles, is a part of the essential constitution of the Church. It is a question of fact, and must be proved as other historical facts are proved. The reasonableness of it and the limits of its acceptance will soon come before us.

B. And now of the Laity.

That the people of the Lord form the essential bulk of the Church cannot be doubted. It is needless to prove that in one aspect the very *raison d'être* of the Clergy is the existence of the Laity, to and for whom they minister in their double aspect towards Heaven and earth.

But the Laity are also spoken of in Holy Scripture as participating in the general priestly character of the Church. They are termed 'kings and priests,' and 'a royal priesthood;'[3] these terms being in the special

[1] From very early times it was required that every bishop should be consecrated by three others.

[2] See *Apostolic Succession in the Church of England*, by the late Arthur West Haddan (Rivingtons, 1869), where the subject is treated in detail with great moderation, calm judgment, and deep and accurate learning.

[3] Rev. i. 6; v. 10; Ex. xix. 6; 1 Peter ii. 5, 9.

passages alluded to referred to the entire body of Christ's people. Such is the priesthood of the Laity; they take an integral part in offering the sacrifices of the Church to God.

They are also termed 'the Temple of God,' 'a spiritual house,' 'the household of God,' 'the habitation of God,' 'fellow-citizens of the saints,' 'a chosen generation,' 'a holy nation,' 'a peculiar people.'[1]

And they have exercised the following duties or privileges, as may be seen in Church History:—

(*a.*) They have provided the funds for the maintenance of the Church. This service has both been required by the natural necessities of the case, and was implied as a duty by our Lord in His instructions to the twelve and the seventy to throw themselves upon the bounty of the people they preached to, by the maxim of St. Paul that they who preach the gospel should live of the gospel, and by the principles of the older covenant. But this supply of the means of support has carried with it various privileges. The power of the purse must of necessity be great upon earth, though in spiritual concerns it must bow to influence purely spiritual.

(*b.*) Hence patronage has been mainly in the hands of the Laity. Such in England is the foundation of the patronage of the Sovereign as the head of the laity. Hence has come patronage of livings in our own Church. Hence, also, in the early Church, the laity exercised a great influence in the election both of bishops and of priests. Many instances are recorded, where the election

[1] 1 Pet. ii. 5, 9; Eph. ii. 19-22; 1 Cor. iii. 16.

of a bishop was made conjointly by the clergy and laity.[1] So that St. Cyprian said, that that was a just and legal ordination, which had been certified by the judgment and vote of all, both clergy and people.[2] The history of Athanasius and of his times presents frequent instances where the people of a diocese refused to receive a bishop who was then thrust upon them. The people also joined in the election of those who were to be ordained to the second order of the ministry.[3] It is true that as time went on, and especially after the confusion and the rude shocks to general education which were produced by the inroads of hordes of savage barbarians, the power of the laity waned, and the rule of the bishops became more autocratic.[4] Besides which, the despotic power of the Emperors caused them, after they were Christian, to arrogate to themselves much of the general rights of the laity. But various Councils attempted to stem the tide;[5] and we are engaged, not with the later centuries when Europe was half barbarian, but with the times which presented a closer analogy to our own, and which had the eminent advantage of being within reach of our Lord's era.

[1] (Cornelius) Cyprian Ep. 52 or 55; Socrates, vi. 2; Theodoret, i. 7; Siricius, Ep. i. ad Himerium Tarracon., c. 10; Celestin, Ep. ii. 5; Leo M. Ep. 84 ad Anastas., § 5; Bingham, iv. 2; Robertson's *Church History*, i. 158, 128.

[2] Cyprian, Ep. 68 or 67, ad Fratr. Hispan. p. 172.

[3] Bingham, iv. 2, § 10; Jerome, Ep. 4 ad Rustic.; in Ezek. x. 33, p. 609.

[4] Robertson, i. 309, 557.

[5] Id., i. 557, *Conc. Claromont*, A.D. 535, c. 2; *Conc. Aurel. V.* A.D. 539, c. 10; *Conc. Paris. III.* A.D. 557 c. 8.

(*c.*) Further than this, the Laity participated in discussions upon such matters as concerned the whole community of a diocese.[1] Accordingly, although the bishop consulted with his presbyters about more private matters, yet in taking into consideration things of general interest, he laid them before the faithful, that is, before those who were living as communicants in full communion with the Church. And even with respect to councils which were wider than diocesan, or even than national, the subsequent assent of the laity with the rest of the Church was considered to be essential to the lasting validity which was to be stamped upon the acts of the council. Thus, at the first Council of the Church held at Jerusalem, we read that 'the Apostles and Presbyters' came together to consider the matter.[2] When the conclusion was reached, it is said that 'it seemed good to the Apostles and presbyters with the whole Church.'[3] And in the Encyclic letter 'the brethren' are joined with the other two orders, as the communicators of the decree to the rest of the Church.[4]

Doubtless this last has been more a dormant power, though a form existed in which even laymen subscribed their names, not as deciding the question, but as agreeing in the decision.[5] Still this is a real power notwith-

[1] Robertson, i. 158. [2] Acts xv. 6, [3] Acts xv. 22.

[4] The reading, however, καὶ *οἱ* before ἀδελφοὶ is uncertain. Lachmann (with A. B. C. D. and ℵ) rejects them, and Tischendorf, ed. 7 (with E. H. L. P. and most of the cursive MSS.) adopts them. But see Bishop Moberly's *Bampton Lectures*, p. 117 and *note* W, and indeed his whole argument.

[5] The form for Bishops and Priests was 'Ego, N., definiens subscripsi ; for the Emperor and lay persons. 'Ego, N., consentiens subscripsi.'—Field, *Of the Church.* Joyce, *England's Sacred Synods*, p. 12.

standing, and might be developed under due limitation into active exercise. It was on these general grounds that the emperors regulated the meeting of the Great Councils, and were present, either in person or by deputy, though they did not vote.[1]

But those larger Councils of the whole Church consisted only of bishops, as far as voting was concerned: though they were assisted by expert theologians, such as Athanasius, who was only a deacon at the time of the Nicene council. Their object was the definition of Doctrine, or the settlement of the more important canons of Discipline, which were to regulate the entire Catholic Church. This is a matter of notoriety, and therefore, requires no illustration here. No one has suggested, for example, that either of the two recent meetings of bishops at Lambeth should have been increased by the presence of a proportionate number of members of the presbytery.

But the bishops who were thus assembled in councils that were either ecumenical or general, or represented vast portions of the Church, and have therefore been of an ecumenical character, have been supposed to come fresh from consultation with their several presbyteries. In the New Testament, the two orders are so intermingled as to be in some cases hardly distinguishable. The presbyters joined with the apostles, in deciding the question at the council of Jerusalem, about the obser-

[1] At the Council of Nice the Emperor Constantine declared, 'that he himself desired to appear at the Council simply as one of the faithful, and that he freely left to the Bishops the sole authority to settle the question of faith.'—*Concil. Nic.* Joyce, *England's Sacred Synods*, p. 10.

vances of the Gentiles. They were all present with their bishop, when St. Paul rendered an account to St. James of his missionary travels. They joined with St. Paul in laying hands upon St. Timothy. They are certainly meant in some of the passages, when the term 'bishop' is used.[1] They were considered to be an ecclesiastical council, or senate, whom the bishop consulted on all occasions.[2] Hence they are called by St. Chrysostom 'the Court or Sanhedrim of the Presbyters;' by St. Cyprian 'the sacred and venerable bench of the clergy;' by St. Jerome 'the Church's senate,' and 'the senate of Christ;' by Origen, and by the author of the apostolical constitutions, 'the bishop's councillors,' and 'the council of the Church.'[3] They sat on special thrones, or places of honour.[4] They are also known to have had seats in several important provincial synods.[5]

[1] Thus Acts xx. 17, 28; Phil. i. 1.

[2] Bingham, ii. 19; Joyce's *England's Sacred Synods*, 34.

[3] *Chrysost. de Sacerdotio*, iii. 15, τὸ τῶν πρεσβυτέρων συνέδριον. *Cyprian Ep.* 55 ad Conel. Cleri sacrum venerandumque consessum. *Concil. Carthag.* 4, § 35. Episcopus in consessu Presbyterorum sublimior sedeat, &c. *Hieron. in Esai.* iii. 5, 17. Et nos habemus in Ecclesia senatum nostrum, Cœtum Presbyterorum. Origen, *Commentar. in Matt.*, βουλὴ ἐκκλησίας. *Constit. Apostol.* ii. 28, σύμβουλοι τοῦ ἐπισκόπου, συνέδριον καὶ βουλὴ τῆς ἐκκλησίας. These quotations are given in Bingham, ii. 19, 7.

[4] Bingham, *ibid.*

[5]

	A.D.
Synod of Alexandria	230
,, Antioch	264
,, Eliberis (about)	300
,, Arles (I.)	314
,, Toledo (I.)	400
,, under Hilarius	461
,, ,, Felix	487
,, ,, Symmachus	499
,, ,, ,,	502

The Clergy in this way are especially the assessors of the Ordinary, and in consequence join particularly in the control of rubrical and ritual arrangements. These matters are germanely connected with their professional duties. Accordingly, in England alterations in such matters proceed from Convocation.

We, therefore, now arrive at the following general results:—

I. The Bishops of the Universal Church, forming collectively the one Episcopate,[1] are the declarers of Doctrine.

But their declarations, to be valid, must be subsequently accepted by the Priesthood and the Laity. Why do we look up to the Council of Nice, and not to the twin councils of Ariminum and Seleucia? At the former, according to the opinion generally received, three hundred and eighteen bishops assembled. At Ariminum about four hundred and fifty met, and at Seleucia, about one hundred and sixty. Both subscribed Arian creeds.[2]

Synod under Symmachus	509 (?)
,, ,,	512 (?)
,, of Tarragona	516
,, Braga (II.)	560
,, Auxerre	578
,, Toledo (IV.)	633
,, under Gregory II.	715
,, of Lateran	1215

—Joyce's *England's Sacred Synods*, 66.

[1] 'Episcopatus unus est, cujus a singulis in solidum pars tenetur.' *Cyprian. de Unitate Ecclesiæ*, v. So *Epistle* 52 or 55 *ad Antonianum*, § 24: 'Episcopatus unus, episcoporum multorum concordi numerositate diffusus.' This was a common doctrine.

[2] The Council at Ariminum subscribed an 'Homœan' creed; that at Seleucia a 'Semi-Arian' one, *i.e.* one not so far in the Arian direction.

And it was then that Jerome's celebrated saying was uttered: 'The whole world groaned, and discovered with surprise that it was Arian.' The decisions of these two councils, consisting of more than six hundred bishops, were repudiated by the priesthood and laity of the Church, and the creed of the prior council, numbering scarcely more than half that number, was upheld. Accordingly, it has ever been the doctrine of the Church, that the decisions of bishops must be afterwards ratified by the general sense of the Church, for them to become permanently valid.

II. The Clergy generally are the initiators of alterations in the mode of worship, and in canons of discipline. Such has been the verdict in the history of the Prayer-book and canons, as will be afterwards shown. There is no question at all but that such was the practice of the Universal Church: and it is embedded deep in the constitutional history of England.

III. The Laity are the managers of finance. The spiritual tone of mind which should characterize the clergy, is not consistent with the management on a large scale of the financial measures which are necessary for the maintenance of the Church. Doubtless, the clergy may, as 'corporations sole,' manage the property which is separately made over to them, as rectors, or vicars, or deans and chapters, and bishops. Such are personal endowments of the clergy in succession. But the general control of such matters rests with the laity, because it is

A subsequent Council called immediately after at Constantinople altered the Seleucian Semi-Arian into the Homœan one.

really their business, and their interest, to provide the funds that may be found necessary.

IV. Questions of general concern beyond these special provinces may be entertained by all. And all of these bodies must accept and ratify the arrangements of any one of them before they possess valid authority.

These conclusions have been deduced from the nature of the Church's charter, as evidenced by Holy Scripture, and the Church's own acceptation of that charter as exhibited in her history, especially in earlier times. Are there no reasonable grounds which may confirm and recommend them?

1. Some people may perhaps hesitate on first thoughts at conceding so much power to the clergy as is involved in the decision about questions of Doctrine, Ritual, and Discipline. Yet upon mature consideration, it will, I think, be found, that not only is this the best arrangement, but that no other plan could really be adopted.

Let it be borne in mind, that all the questions which arise about doctrine, and most of those about ritual, are, not what the Church had better choose as her articles of faith, or modes of worship, but what are those which our Lord once for all delivered to the saints, and have been received and taught as consonant with His revelation. These are not questions of selection for the future, in which the tastes, or judgment, or foresight, of the majority, or of the most influential persons, might fitly determine the issue. They belong to the history of the past, as enshrined in Holy Scripture, or in the Church's records of councils, creeds, liturgies, general writings

and well-authenticated tradition. The consequence is, that in order that mistakes may be avoided, and the true and genuine Faith may be handed on to after generations, these questions must be handled by a learned set of men.

There may be, no doubt, and at the present time there are to a remarkable extent, such men learned in theology amongst the laity, as might well take part in decisions upon these subjects. But that is an accident; and hazard, not safety, is the characteristic of accidents. Besides this, a course of systematic study might very probably tend to modify the general conclusions even of such eminent savans. At all events, the Church has no guarantee of their fitness to judge about such important matters.

But she has such a guarantee in the case of the clergy, both from their previous training, and from the tests applied to them. In their training, because the education which they have gone through ought to have rendered them fit to enter into these matters. If it be not, then it ought to be altered, and Churchmen may fairly claim that it should undergo alteration. But we might appeal to every one who has passed through such an adequate training, whether his preconceived opinions did not undergo some modification during it, just as the notions of anyone who reads for a profession, or prepares for a trade, are cleared and enlarged by his reading or practical preparation.

The tests also which are applied to every clergyman are a strong security. Not only the previous examina-

tions, which precede the conferring of the diaconate and the priesthood, but continual ministrations in public, and indeed constant exhibitions of faith and life in the intercourse of professional and of ordinary society, supply means of judging about the orthodoxy and learning of clergymen.

Considering then the subject under this aspect, do we not see that it is for the Church's own protection, and for the maintenance of the Faith in unsullied purity, that questions that concern the Faith should be left only in the hands of the clergy, with a subsequent confirmation from the laity? This is not a matter of clerical exaltation. Such a consideration upon such a subject is beneath notice. The well-being of the Church is the great object; and as well the preservation of that Faith which was once for all delivered, and if lost could never probably be regained.

It should also be remembered, in connection with this part of the subject, that the clergy are not a caste. Their ranks are open to any one wherever born who qualifies himself. If any man therefore wishes to take part in their discussions, it is open to him to present himself for the ministry; and if he comes in such a manner as to be led by the Holy Spirit of God, and complies with the tests that are applied to all alike, the object of his ambition will be gained. But those who want to combine clerical privileges with lay freedom cannot expect Churchmen generally to sympathize with them in their self-interested aspirations.

2. In another quarter some objection may be felt

against conceding so much power to the Laity. But if the case be fairly judged, there is really no valid reason in such an objection.

It is no doubt true, that during mediæval times, and under that anachronistic remnant of Mediævalism, the Roman Catholic system, laymen bore or bear no part in Church management. But we have seen that such was not the procedure in earlier days, and this result naturally flows from the strong contrast between the learned and intelligent cleric and the coarse and ignorant layman of the middle ages. But there is no comparison between unlettered children of the Church in those times and the highly cultured men of the present day. In settling general questions, the clerical mind would be advantageously assisted by that acquaintance with general subjects, that wide grasp of practical matters, and that readiness to seize the point and bearings of a question, which are fostered by experience of the world, by association with intelligent people, and by habits of business.[1]

No doubt there must be some test of the faithfulness of a layman for him to be trusted as a valuable councillor. He must be in full communion with the Church. There ought at least to be nothing in his belief or in his life to prevent him from being an habitual communicant. For if his zeal is not sufficient to keep him in compliance with his Lord's dying command, it is evident that he cannot be a trusty for-

[1] See the List of Lay Writers on Ecclesiastical Subjects given by Bishop Moberly in his *Bampton Lectures*, note on p. 108.

warder of the Church's interests. A non-communicant is hardly more than half a Churchman, and therefore cannot be amongst her managers.

But the non-utilization of lay power in legislation as well as in other parts of ecclesiastical business is probably at present a cause of weakness. To this has been due in great measure the wide prevalence in England of Dissent. Ever since the suppression of the religious communities by Henry VIII. there has been amongst us a large number of people who have had yearnings for religious duties beyond the care of their own souls, and have found no channels open for these yearnings to flow through. This was the secret of Wesley's marvellous success. Here stands a fortress for the Church to reduce, which has hitherto only been assailed by sapping and mining in our own time. To bring the lay-power out into active co-operation in the chief councils of the Church would be to put into position our heavy siege-cannon.

Again, that lay indifference, which is so formidable a difficulty in the way of the clergy, would thus meet with the best antidote. There is no way so sure of producing hearty interest as by securing co-operation. Let people feel that the work in hand is not the business of other men, but their own; that, whether in their own persons or by means of their representatives, they have actual part and lot in what is done; and you are at least on the direct road towards gaining their hearts and their help.

Lastly, the practical, sturdy, indolent, unimaginative,

and narrow-minded nature of our English race surely clenches the foregoing truths. Bring us face to face with real difficulties, and our straightforward sense, and habits of action, lead us to see the remedy and to aid in applying it. But let the administration remain in the hands of other people not closely connected with ourselves, and we are as a people but too apt to criticize, to miss the point, carp, and oppose.

'The introduction of the lay element,' it has been well remarked by the eloquent Bishop of Peterborough, 'into the councils of the Church, whether diocesan or convocational, is a grave question, because in some cases encumbered with serious diffculties. Therefore each national Church must deal with it as a national question, and settle it as shall best subserve its national interests. But the patent fact is, that the bringing in of the laity as a constituent part of the various working assemblies of the Church has in the United States, and in many of the colonial provinces and dioceses, been of the highest value to the cause of our holy Faith. Entrust the laity with responsibility, and you secure their confidence. Make them a part of your deliberative councils, and they will educate themselves to discharge aright the duties of their position. Let them realize that the Church leans upon their wisdom as well as upon their purse, and they will show that strong common-sense, knowledge, and discretion, which shall make them as powerful allies in Church legislation as they are now in Church work.'

3. The subsequent assent of bishops, priests, and

laity, as here advocated, would surely prove an ample safeguard. Only it must be strictly laid down at the outset, that, just as the initiation of financial measures rests solely with the House of Commons, so the Clerical part of a National Council and a Lay Assembly should have exclusive powers of initiation in their own subjects. Any alien usage subversive of these principles, would, at least, in England, be unconstitutional, as will be shown hereafter. And these principles contain sufficient sources of defence against oppression from any internal quarter.

4. They have also been tested from both sides in our own time, and from the tests we may derive most important illustration.

First, the experiment of the Irish Church has taught us how unsafe it is to allow incompetent laymen to take part in discussions where changes in creed and ritual are brought under consideration as to be possibly initiated. We must not, of course, ignore the noble line taken by such laymen as were well acquainted with the questions discussed, and were faithful to the doctrine of the Church Catholic. All honour to them. But the spectacle of deliberations was mournful in the eyes of the well-informed upon such matters, in which a leading part was taken by a man who was himself so little of a Churchman, and who so thoroughly misunderstood elementary points of Churchmanship, as Lord James Butler; who indeed afterwards signalized his unfaithfulness to his national Church which he had been forwardly and pertinaciously advising, by withdrawing from her communion.

It is true that experience in discussion has very greatly raised the character of the Irish Church Synod, and we may augur much better results as looming in the future. But those early debates stand in history as a warning against hasty legislation upon principles which are unconstitutional, both as regards the State, and as relates to the Church as well Catholic as national.

Secondly, we learn the same lesson in contrast as read to us in the Colonial Church Synods. It is true that the laity have there joined in all or nearly all deliberations, and they have taught us how excessively useful is their assistance and their influence. We have learnt also how true it is, that the Church cannot be said for a moment to consist of the clergy alone. But then we must remember, that through the fact of the Prayer-book being accepted intact, the questions which belong exclusively to the Clergy as matters of initiation have been kept outside of discussion. Those Synods have confined themselves to the numerous questions which might safely be argued by all the members of the Church together. Consequently, they are universally regarded as patterns which the Church at home, with the necessary alterations to suit her own special circumstances, might advantageously follow, not as beacons which it would be well for her to avoid.

CHAPTER VII.

HISTORICAL SURVEY.

I. The Universal Church.

BEING now possessed of the main principles which should regulate the relations between the Church and the State, we may advance a step further towards the practical solution of the difficulty.

We have seen that there are two independent Bodies in the question, deriving their authority from sources unaffected by one another. One takes its origin in the powerful forces of human nature, which, with the inborn strength of that nature itself, lead people to coalesce in States, and to establish, and to submit to, governments and laws which are essentially necessary for the well-being of men and women. Welfare, unless in exceptional cases, is impossible without the rule, order, mutual help, and common defence, involved and secured in State-administration. So that human life, as a whole, is imperfect and undeveloped without States.

The reconstruction of human nature through Christ runs on parallel lines. In this respect, as well as in others, He treated mankind according to the laws of creation. The several members have no Christian exist-

ence apart from the one Body.[1] The Lord founded His Church, and gave her an organization. She is built upon this foundation, as upon an immovable rock.

When these two Bodies are brought together, it is found that they have no legitimate antagonism. They fit into one another; where one is convex, the other is concave; angles of projection coincide with angles of recess. The one occupies the domain of temporal life: the other possesses the sphere of spiritual being. The riches of the one are to be seen around and in the midst of us; the wealth of the other is in the invisible world. The punishments of the first are physically painful; the chastisements of the last cannot go beyond the soul and spirit, except in a separation of the offender from the company of the faithful. Compulsion, though within limits, is part of the law of the State; voluntariness, though curbed by purely moral restraints, is the rule of the Church. In the former, the resort of the courageous is the sword, and heroism is occasionally shown in daring prowess or in undaunted defence. Amongst the maintainers of the Church's positions, those alone are true to the precepts of their Great Captain who are ready with intrepid calmness to turn their cheeks to the smiter, and who perish, if need be, in patient and unretributive submission.

Accordingly, both the Ultra-Papal system, where the Church used to dominate the State, and the Prussian system, under which the State swallows up the Church, are essentially anomalous. They present warnings on

[1] 1 Cor. xii. is unintelligible throughout except upon this principle.

either side, which the narrow-minded would do well to observe.

Besides these guiding principles, which will shed light as we thread the labyrinth, we have learned also the true relations between the clergy and the laity. This is a question the more important, where the Church is either co-extensive, or nearly co-extensive, with the State.

Because in that case, the leading laymen of the Church are the chief administrators of the State. And it is of the utmost importance that either class should understand exactly the bounds of their own province, so that they may harmoniously co-operate in furthering the interests of the Church.

But though we have advanced so far, yet there is another investigation which must be made before we are in a position satisfactory for an examination of conflicting solutions of the difficulty. The true answer for the Church of England, as a Branch of the Catholic Church of Christ, and as the heir in the present day of a long and eventful history of her own, must be involved in the records of the Universal Church, and of the national Branch in these realms. Circumstances do not vary in successive ages nearly so much as people think. Human nature continues mainly the same, and history does hardly more than repeat herself, though the dresses are renewed or changed, and the scenes are painted afresh or constructed after modern designs. So that amongst the examples of bygone ages we may find models which have borne the test of time, and the strain of opposition,

and the trial of success, standing also amidst wrecks and fragments that are no less instructive. Especially, we may learn to distinguish between the novel and the time-honoured, the dangerous and the safe, the revolutionary and the constitutional.

Turning first to the chronicles of the Universal Church we meet with two grand periods, which find their severance in the reign of Constantine.

I. The Church at first grew up, not merely in separation from, but in spite of, the powers that then were. The mighty forces that were pent up within that small but increasing community, were soon found to be in opposition to the established religion of the time. The successive persecutions under Nero, Domitian, Trajan, Aurelius, Severus, Valerian, Diocletian, arose from the jealousy with which the maintainers of a faith and worship, which had been intertwined with the growth of the Roman Empire, viewed the ominous development of an antagonistic system. The Church owed nothing to the State in those days but the effusion of the blood of her holy martyrs.

Accordingly, the independence of her origin can hardly be set forth in more vivid light than it was in those early times. She expanded her amplitude through the working of her own constitution. Fresh sent from her Lord's hands, she methodized her life upon His precepts. No external sway could overbear her own regulations.

The results therefore of her relation towards the State are barren of further teaching. Yet it will be well

to notice a few cases in which light is shed upon later habits.

The lay influence was necessarily weak, at a time when the care of the clergy was mainly expended upon people outside of the pale, and when the surpassing interest of such work drew all the more zealous into the clerical ranks. Yet they took part, as has been already noticed, in the election, not only of bishops, but also of those who were to be ordained for the general ministry of the Church.

There were numerous offices beyond the three orders of the ministry. The holders of such were respectively deaconesses, sub-deacons, readers, parabolani or overseers of the sick—a later creation,—and catechists, besides others.

The existence of Provinces, or of united Dioceses, which had their occasional meetings in Synod for consultation, dates back to very early times. In the second century[1] such meetings were ordered to assemble twice a year. The original canon which embodied this order was adopted and enlarged at the Council of Nice, and again enacted in substance at the Council of Antioch in A.D. 341, and confirmed with the rest of the decrees made at Antioch, by the great Council of Chalcedon. But in course of time the difficulties in the way of holding two meetings in the year became so great, that the rule was relaxed, and one annual assembly was ordered instead. Thus in the Fifth General Council held at Constantinople under Justinian in 553,—forty-three years

[1] *Apostolic Canons*, 36.

before the arrival of St. Augustine in Kent,—a regulation was made commanding that Provincial Synods should be held only once a year. This order was repeated at the Second Council of Nice, and in several national councils.[1] The earlier custom was advocated in England by Archbishop Theodore, but the latter one was actually adopted at the Council of Hertford, though it was perhaps by no means invariably followed.

A notice of this important point has led us beyond the period now under examination. In earlier times we see the practice of biennial Provincial Synods in active operation under Cyprian in Africa. Among other matters, 'an African Synod under St. Cyprian, speaks of it as "a Divine tradition, and apostolic observance," kept by almost all the Province of Africa, that "for the due solemnization of ordinations, all the neighbouring bishops of the same province, should meet together among the people for whom a prelate is ordained, and the bishop should be chosen in the presence of the people who know most fully the lives of each."'[2] And at the Fourth Council of Carthage, the following canon was formally enacted:—'Let a Bishop be ordained with the consent of the Clergy and Laity, and of a Synod of the Bishops of the whole Province, and chiefly with the authority or presence of the Metropolitan.'[3]

Such provincial synods were presided over by the

[1] Thus the Third Council of Toledo, A.D. 589; Fourth ditto, 633; Eleventh ditto, 675; Third Council of Orleans, 538. See Pusey *On the Royal Supremacy* (John Henry Parker), 1850, where these authorities are collected with the author's usual abundance of learning.

[2] Cyprian, Ep. 69, § 5. [3] A. D. 398, Mansi, *Conc.* iii. 950, cap. i.

Metropolitan, or the bishop of the mother city, like St. Cyprian at Carthage, St. Irenæus at Lyons, and Victor at Rome. His position was that of a *primus inter pares*.'[1]

II. The Edicts of Toleration which were issued by Constantine, in A.D. 312, and afterwards in 313, and which secured for Christians complete religious freedom, first brought the Church into amicable relation with the State; and the connection became the closer because the emperors themselves were nominally at least Christians, with one exception; and the mass of the people followed in their train, if it be not truer to say that the emperors embraced Christianity because it had now become the popular religion.

But it must be remembered that the estimate of such relations, as grounded upon the power exercised by an Emperor or King, who is himself a member of the Church, is somewhat embarrassed owing to the double character sustained by such a potentate. For he is both the head of the State, and the head also of the lay power within the Church. Appointments to dioceses or parishes, or to other posts, are made by him under the latter character. Judicial power is exercised solely under the former. This is a momentous truth, involving a most important distinction if sometimes rather difficult to trace, which must not be let slip out of sight.

According to the Roman constitution of later times, the Emperor was practically the State. He was the very impersonation of despotism. But he was even more;

[1] Joyce's *England's Sacred Synods*, p. 58, and the authorities quoted by him.

he was by office also Pontifex Maximus, the supreme minister of the old heathen religion. He was therefore the more likely to come into collision with the authorities of the Church.

But his position in the Church was, to a certain extent, understood from the first. Thus Hosius, the venerable Bishop of Cordova, who presided at the Council of Nicæa, writes to Constantius :—'Intrude not yourself into ecclesiastical matters, neither give commands unto us concerning them ; but learn them from us. God hath put into your hands the kingdom ; to us He hath intrusted the affairs of His Church ; and as he who should steal the empire from you would resist the ordinance of God, so likewise fear on your part, lest by taking upon yourself the government of the Church, you become guilty of a great offence. It is written, "Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's." Neither therefore is it permitted to us to exercise an earthly rule ; nor have you, sire, any authority to burn incense.'[1] The Emperor exerted no direct power in the general control of the Church, nor did he, of course, ever intrude himself at the altar.

But he summoned the General Councils : for there was no other authority possessed of the universal jurisdiction which was necessary. And when they were assembled, he superintended their meetings. Thus Constantine, though unbaptized, was present at the Council of Nicæa ; Constantius, though only a catechumen, was in person at Antioch, and sent lay officers to repre-

[1] Athanasius, *Hist. Arian.*, 44, Oxf. Tr. Robertson, i. 295.

sent him in the control of the Councils of Ariminum and Seleucia. At the same time the emperors had no vote on such occasions. But they added the civil sanction to the decrees passed, and enforced them with civil penalties.

'The emperor was regarded as the highest judge in all cases,'[1] except of course in questions of faith. But restrictions were placed upon the exercise of the right of appeal. Thus at Antioch a canon was passed enacting that if a bishop appealed to the temporal courts instead of to a higher council he should be deposed. And at both Antioch and Sardica, canons forbade appeals except with the consent of the metropolitan and the other bishops of the province. Besides these enactments, Christians were allowed to submit ordinary cases to their bishops for adjudication, and by a law said to have been made by Constantine, such decisions, if both parties had agreed to the reference, were to be binding upon them without appeal.[2]

It is true that Justinian, following an example of Basiliscus which was rejected at the time, interfered in important matters of discipline, and even determined points of faith by edicts. But these interpositions were the workings of individual peculiarity, and did not receive general sanction. When Justinian erected a new or sixth patriarchate, his state-made patriarch never obtained effectual recognition, and soon after his death, the bishops of Lychnidus—the birth-place of Justinian, and the seat of the projected patriarchate—'are found among the suffragans of Rome.'[3]

[1] Robertson, i. 297. [2] Ibid. [3] Id., i. 550.

After Justinian's re-conquest of Italy, the right of confirming elections to the papacy was exercised by successive emperors for some time. In the east the emperors hardly interfered with the appointment of bishops except at Constantinople or in places where they resided. Such was the jealousy of any interference of the temporal power, that the second council of Nicæa enacted [1] that bishops should be chosen by their episcopal brethren, and that any nomination by princes should be invalid. But in the west, whether from the possession of political influence by bishops, or from the stronger sway exercised by sovereigns after the fall of the Roman Empire, other customs often prevailed. Councils in France voted repeatedly that elections should be free from despotic control; yet there, as well as in Germany and elsewhere, the influence of the crown became gradually more absolute. In course of time, the bishops came to be ordinarily thus appointed.

The external interference therefore of the State with the management of the Church was originally but slight. The Church was held to be entirely independent. Not merely as regards her Faith, but as far as relates to discipline and the management of her own concerns, she was left with unfettered discretion. If the emperors wished any policy to be decided, or doubts set at rest, they were constrained, not to make the settlement by any autocratic means, or through the organization of the Imperial constitution, but by putting in operation the machinery of the Church. The greatest questions were

[1] Canon 3; Robertson, ii. p. 177.

decided in General Councils: and smaller matters by provincial or diocesan synods.

Vast influence was doubtless exercised by the emperors, and it was wielded in great measure by those persons who happened to be uppermost in favour at the time, whether orthodox or heretical. But it was the influence which is inalienable from high position and despotic power; not such as would be employed in the enforcement of direct rights. The managers of the Church refrained from taking part in the affairs of the world, and they were free in the conduct of the interests committed to them. On the other hand, the things of Cæsar remained with Cæsar; and he meddled not directly with the things of God.

CHAPTER VIII.

HISTORICAL SURVEY.

II. The Anglo-Saxon Church.

IF independence of one another in each of the two Bodies which are the objects of our investigation was displayed in strong colours during the early ages of the Church, it was pourtrayed with hardly less distinctness at the opening of English history. The Angles, Saxons, and Jutes, appear before us with their several heathen kingdoms. On the other side, Augustine comes from Rome, a regular missionary, armed with the teaching, worship, and sacraments of Christ, and the valid episcopal succession. He is followed by Felix and Birinus, moved by their own zeal, but duly sent by the Church. Whilst the flood of Christian life, which had been rolled back by the conquering invaders into the mountainous corners of the land, and into Ireland, burst its barriers, and shed far and wide into the heart of the several kingdoms the simplicity of early faith, and the self-abandonment of childlike devotion.

It is remarkable that the Church in England was consolidated before the State. Theodore established his

position as head of the English Church, not of course including Wales, during his archbishopric, and between the years 668 and 690. The so-called heptarchy did not even nominally coalesce into one realm, before more than a century and a quarter afterwards. 'The single throne of the one primate at Canterbury,' says Mr. Green, 'accustomed men's minds to the thought of a single throne for their one temporal overlord. The regular subordination of priest to bishop, of bishop to primate, in the administration of the Church, supplied a mould on which the civil organization of the State quietly shaped itself. Above all, the councils gathered by Theodore were the first of our national gatherings for general legislation.'[1] 'The unity of the Church in England was the pattern of the unity of the State.' Englishmen had been 'in their lay aspect Mercians or West Saxons; only in their ecclesiastical relations could they feel themselves fellow countrymen, and fellow-subjects.'[2]

Indeed it is to be noticed, that even in later times, the areas of Church and State in England were not conterminous. For Lanfranc was acknowledged as metropolitan by the Irish bishops, and the authority of his successor, Anselm, extended also to Scotland and the Orkneys. At a later period we find the Archbishop of York claiming and exercising metropolitan jurisdiction over the Scotch bishops, and this claim continued to be allowed till about the year 1490, when the authority was transferred to the Bishop of St. Andrews.[3] But all

[1] *History of the English People*, i. 59.
[2] Canon Stubbs, *Constitutional History*, i. 245.
[3] *Our Established Church.* By the Rev. Morris Fuller.

this time, and mainly, though not exclusively, up to the conquest by Edward I., the Church in Wales was independent, under metropolitans of her own, probably beginning from Caerleon.

It must also be observed, that no formal act of establishing the Church, occurred at this or any other period. What really happened was, that people became Christians and were baptized, either as they severally were convinced, or, as was perhaps more common, in masses, or even in nations, following the lead of their sovereigns. Such was the well-known conversion of the Jutes of Kent. Ethelbert came to Holy Baptism on the Whitsunday after Augustine's arrival; and though with the uniform generosity of his race, he compelled no one to become a Christian, yet his example and encouragement so far influenced his subjects, that on the succeeding Christmas Day, no less than ten thousand, in that small kingdom, were received into the Church. Here, as elsewhere, Church and State grew together in natural and continuous growth, as two sister trees thrust their branches and foliage into the spaces left vacant by one another. Nevertheless, Ethelbert, with the help of his Witenagemôt, protected the Church by penal enactments, according to which a twelvefold satisfaction was demanded for sacrilege, on a scale proportionately descending, according as a theft were committed upon the property of a bishop, a priest, a deacon, or an inferior cleric.[1]

Besides this, Ethelbert, like all succeeding converts, whether kings or private persons, made provision for

[1] Bright, p. 89; Bede, ii. 5; Wilkins, *Concilia*, i. p. 29.

maintaining Christian worship, and supporting the clergy and the poor.[1] As this is a point upon which a great deal of misapprehension prevails, a few words will be necessary to explain the relation of tithes to the system of the Church in the earlier ages, and how they came to be apportioned to that Branch which has occupied these realms.

By the Levitical law, tithes of all produce were due to God.[2] And, indeed, the duty and the custom dated back from times preceding,[3] and independent of,[4] the law as given through Moses. They would appear to be a matter of primitive obligation, arising out of the moral need of dedicating to Almighty God a portion of the substance wherewith He blesses His children. Passages are not wanting from the New Testament, which show that the due maintenance of the worship of God, including the clergy and the fabric of churches and their services, as well as the support of the poor, were part of the express ordinance of our Lord.[5] Accordingly, in the earlier ages of the Church, we find various indications of the practice of thus offering to God.[6] And at the

[1] Haddan and Stubbs, *Councils*, iii. 42.

[2] Numb. xviii. 24; Lev. xxvii. 30; Deut. xii. 6; Mal. iii. 8, 9.

[3] Gen. xiv. 20; xxviii. 22; Heb. vii.

[4] *Plin. Nat. Hist.*, xii. 19; Festus v. *decimæ*. The custom is found amongst Arabians, Ethiopians, Phœnicians, Egyptians, Carthaginians, Persians, Greeks, Romans. See *Montague on Tithes*, c. iii. p. 574.

[5] Matt. xxiii. 23; Luke xviii. 12; Heb. vii. 8; 1 Cor. ix. 13.

[6] *Apostolic Constitutions*, ii. 25; Origen, *Hom.* 11 *in Num.* xi. p. 305 ult. lin. (Migne); Hieron. *Com. in Mal.* 3, p. 978*b* (Migne); St. August. *Com. in Psal.* 146, 17 (Migne); *Hom.* 48, cx. 50, tom. 10, p. 201; St. Chrysost. *Hom.* 4 *in Ephes.* p. 1048; *Opus Imperfect., in Matt. Hom.* 44;

period of the conversion of the Jutes, Saxons, and Angles, the custom of devoting tithes to God was universal, at least in the Western part of the Church.[1] It was therefore naturally introduced into England. The Church bore about with her, upon her own principles, the means of self-maintenance wherever she went. Missions thus became self-supporting.

Accordingly, Ethelbert, besides giving large gifts to the Church for the service of God, made provision in his charter to Rochester Cathedral for future presentations of money or land, from private persons.[2] And in the Penitential of Theodore,[3] 'the traditional founder of the parochial system' in England, the duty of paying tithes is taken for granted in more than one place. Indeed, according to the subsequent laws of Edward the Confessor, it was originally introduced into England by Augustine, at the Conversion.[4]

But the obligation to pay tithes, though it was a part of the law of the Church, as embodying a special order made by our Lord, and was therefore binding upon the conscience of churchmen, did not receive the additional

Justin Mart. *Apol.* 2; S. Irenæus, *Adv. Her.* iv. 34, p. 250, (Migne); Tertullian, *Apol.* 39; Bingham, v. 5; *Montague on Tithes.*

[1] Council of Tours, A.D. 567, (Labbe, *Conc.* v. 868), Mansi, *Concilia*, ix. 809; Council of Mâcon, A.D. 485 (Labbe, v. 98; Mansi, *Conc.* ix. 951.) See Haddan and Stubbs, iii., 636, and Canon Stubbs' thoughtful note.

[2] Haddan and Stubbs, iii. 52.

[3] Haddan and Stubbs, iii. 191, 202, 203; Theod. *Pœnit.* ii. 2, 14; Stubbs, *Constitutional History*, i. 228, *note.* See also Bede, *Hist. Eccles.* iv. 29.

[4] 'Hæc prædicavit S. Augustinus, et hæc concessa sunt a rege, et confirmata a baronibus et populo.'—Johnson's *Canons* i. 525.

sanction of the laws of this land till towards the end of the eighth century. Legislation upon the subject took place about the same time, on the Continent and here in England. In the year 779, Charlemagne ordained that every one should pay tithe, and that the proceeds should be disposed of by the bishop.[1] And in 787, at the Synod of Chelsea, which was attended by the kings and ealdormen, and therefore was also a Witenagemôt and promulgated its decrees with the sanction of law, the payment of tithes was made generally compulsory on the principle that, according to Holy Scripture, they are the special property of God.[2] After this time, tithes are often mentioned in legislation. In the famous donation of Ethelwolf, the consecration of a tenth part of the lands of his kingdom was formally confirmed, and freedom from taxation was granted to that part.[3] In the reign of Edward the elder, the obligation is taken as part of the established law. Athelstan beseeches his people in God's name, and by all His saints, and also by his own friendship, to pay tithe, *i.e.* prædial tithe, or that of the increase of the fruits of the earth, and increase of the young of cattle, grounding his request upon the Levitical

[1] Stubbs, i. 228.

[2] 'Unde etiam cum obtestatione præcipimus, ut omnes studeant de omnibus quæ possident decimas dare, quia speciale Domini Dei est; et de novem partibus sibi vivat, et eleemosynas tribuat, et magis eas in absconditis facere suasimus, quia scriptum est, "Cum facis eleemosynam, noli tuba canere ante te."'—*Legatine Synods*, c. 17. Haddan and Stubbs, iii. 456; Johnson, i. 277. It will be observed that the order to pay tithes here includes personal as well as real property.

[3] Haddan and Stubbs, iii. 636, *note*. That Ethelwulf's donation was not the foundation of the payment of tithes in England, as has been often said, see also Kemble, ii. 480–490.

law.[1] He was followed by Edward a few years later.[2] And in Edgar's time, directions of a somewhat minute character were given upon it.[3] Tithes of young were to be paid at Whitsuntide; tithes of the fruits of the earth at Michaelmas. They were normally rendered to the cathedral or mother church, and placed under the distribution of the bishop.[4] Force was to be applied, and the whole property seized, if they were not paid. Orders were also made by Canute, thrice by Ethelred, and besides these, by Edward the Confessor.[5]

But it must not be supposed that all the tithe was devoted to the maintenance of the clergy. On the contrary, it was divided into three parts. 'The priests are to take tithes of the people,' in the words of an ancient canon, 'and to make a written list of the names of the givers, and according to the authority of the canons they are to divide them, in the presence of men that fear God. The first part they are to take for the adornment of the Church; but the second they are in all humility to distribute mercifully with their own hands, for the use of the poor and strangers; the third part, however, the priests may reserve for themselves.'[6] Many other regulations exist to the same purport.[7]

[1] Kemble's *Anglo-Saxons*, ii. App. B.; Johnson's *English Canons* (Anglo-Cath. Library), i. 339.

[2] *Ibid.*

[3] Thorpe, *Ancient Laws*, i. 171.

[4] Edgar, ii. § 3; Johnson, i. 409, 422.

[5] Kemble, ii. App. B. gives most of these passages *in extenso*. See also Johnson, i. 495, 498, 506, 524–6.

[6] *Excerptions of Archbishop Ecgberht*, Thorpe, *Ancient Laws*, ii. 98; Johnson's *English Canons* (Anglo-Cath. Library), i. 185.

[7] *Confess. Ecgberht*, Thorpe, ii. 132; *Canons of Eadgar*, Thorpe ii. 526; *of Ælfric*, Thorpe, ii. 352; Kemble, ii. 504–5.

Yet the actual determination of the offering was left very much in the hands of the owner of the property,[1] though by the laws of Edgar, only one-third of the tithe remained with the parish church, two portions being paid to the cathedral.[2] And in course of time all the priest's portion generally went to the priest of the parish, and the owner of the land received the patronage of the living in return. Accordingly, we find regulations of Theodore and other prelates, which were meant to restrain abuses in the private exercise of patronage. Neither clergy nor laity were to presume to give any church whatever to a presbyter, without the license and consent of the bishop:[3] proving that the nomination rested in the first instance with either clergy or laity.

But parish-churches were founded in various ways. In some the movement was made originally by the bishop, or by the Church under his superintendence. In other cases, the heathen fane previously existing was converted to Christian purposes, like the consecration of the Basilicas at Rome; and the former provisions for its maintenance followed the new destination. Or the needful supplies were offered by the inhabitants of the place in question: or a royal grant was made for a new cathedral.[4] In some instances, the wealthy and powerful had their private chaplains, who performed the rites

[1] Stubbs, i. 229.

[2] Kemble's *Anglo-Saxons*, ii. 420, *note*; Thorpe, *Saxonicum*, i. 262; Johnson, i. 409; if the church had no churchyard, the landowner was to maintain it besides paying his tithes.

[3] Kemble, ii. 421; Thorpe, *Ancient Laws*, ii. 73.

[4] Kemble, ii. 424.

of religion in private oratories.[1] 'As the king's chaplain became a bishop, and his kingdom a diocese, so the chaplain of the English noble became the priest, and the manor a parish.'[2]

By the same principle under which the patronage of livings was vested within restrictions in the landowners, who paid the tithe necessary for the support of the parish priest, the appointment of bishops was left in the hands of the Kings. At first, dioceses coincided in extent with the several Saxon kingdoms. Each King, when he was converted, was naturally anxious for a prelate of the highest dignity, and provided means for his support. And when the Heptarchy was swallowed up in the consolidation of the kingdom, the privileges of the several Kings were centred in the one sovereign.

But even the royal appointment of bishops required confirmation. In the first place he made it in full Witenagemôt, so that it was evidently in the power of the Witan to veto the election. Indeed, so far did this assembly participate in the appointment, that Dunstan is said to have been elected Archbishop by the counsel of the Witan or wise men.[3]

Next, the nominated bishop was required to profess his faith before the Metropolitan, who, therefore, could reject him if he were proved to be unorthodox. After consecration, it appears that the Metropolitan preferred

[1] Kemble, ii. 427. They were called 'handpreostas,' as distinguished from 'túnpreostas,' or parish priests. The parochial system was at this time established all over Western Europe.

[2] Green, *Hist. of Eng. People*, i. 59.

[3] 'Sapientum consilio.'

a request to the King to invest him with the temporalities of the See. Confirmation at Rome seems to have been only occasionally required, though the archbishops got their palls from thence.[1]

When Theodore settled the organization of the Church in England, his plan, as has been stated, was that councils of the whole Church should be held twice a year. This proposal was not carried: but it was unanimously resolved that there should be a meeting once a year, in the beginning of August, at a place near London, called Clovesho, of which the traces have perished. How far even this was carried out we have no means of ascertaining. But councils often assembled, first of the nation, and afterwards of each province, when Archbishop Egbert (A.D. 734–766,) had vindicated the independence of York. The presence of the Kings and ealdormen seems to have been by no means unusual.[2]

But the union between Church and State was very close. Besides that there was no dissent, the bishops were united with the ealdormen and other lay officers in the judicial courts of the realm. They sat also in the Witenagemôt, and in the popular courts. In the larger questions they exercised much influence, and on smaller matters they were supreme. Their spiritual sentences were enforced by the arm of the secular authority. From the time of Odo to the archbishopric of Stigand

[1] See Freeman's *Norman Conquest*, ii. 66, 571–7; Kemble, ii. 366–386.

[2] Stubbs, *Constitutional History*, ii. 230. He refers to Offa's presence, 'cum senatoribus' at the Legatine Council in 787, and Kenulf's at Chelsea, A.D. 816, 'cum suis principibus, ducibus, et optimatibus.'

they bore an important part in the management even of civil affairs. The ideal notion of Hooker that Church and State were the same, with only different aspects and provinces, was not very far from being realized. Yet, taking the whole period throughout, their spheres though mingled were not confused, and the several officers of the two acted harmoniously together.[1]

And, indeed, this period is more deserving of our careful attention, because the Church grew up till it covered the whole country, and the people coalesced into one Realm, and institutions took root and flourished under natural conditions of harmonious development. It is true that germinal elements had not yet ripened into distinct operation: Church and State were in a measure intermixed. Nevertheless, the disputes and strifes of parties which have been all but incessant since the Conquest was then almost unknown. The character of the race displayed itself. Kings were constitutional sovereigns, not despotic tyrants. Power, whether political or spiritual, kept within limits. Conflicting claims were either advanced with becoming moderation, or met each other half-way. So that if we are perplexed with the solution of constitutional problems, we can hardly act more wisely than, with due reservation, to turn for instruction to the example of our English forefathers before the Norman Conquest.

[1] The Conciliar records cease in great measure in the tenth and eleventh centuries, probably owing to the fact that the same men after Dunstan transacted, and probably in the same assemblies, the business of both Church and State. Stubbs, i. 242. Wilkins, *Concilia.*

CHAPTER IX.

HISTORICAL SURVEY.

III. The Mediæval Period.

THE Norman Conquest exercised an important influence on the Church in four several ways.

1. From the fact that the new kings held their dominion in great measure through the right of conquest, it necessarily followed that their sway was of a more despotic nature than had been the rule of sovereigns of so constitutional a character as the Saxon monarchs. Foreign customs were introduced; and, by consequence, the people themselves appear more to have practised submission than to have exerted power. The new aristocracy formed the outposts of the regal authority, and terror was more prevalent than reasonable influence.

2. Again, by the introduction of foreigners and of foreign influence the seeds were sown for that continual struggle between opposing principles and adverse parties, which England has witnessed ever since the battle of Hastings. First we have the contests which occurred before the country was finally subdued. Then came

the disputes with the authorities of the Church. Afterwards arose the constitutional contentions of the thirteenth and fourteenth centuries, followed by the wars of succession, which land us in the period of the Reformation, when the Church of the country became finally free from external usurpation.

3. It is well-known that the Norman invasion was encouraged and fostered by Pope Alexander II. The invaders came from parts where the supremacy of Rome was more deeply felt and more readily received, than had ever been the case in Anglo-Saxon England. The natural consequence was, that the power of Rome over the Church in England was greatly enhanced by this event. The English Stigand gave way immediately at Canterbury to the Italian Lanfranc. The islanders were brought more closely into the ecclesiastical system of the continent, at a time when the Papal authority was being vastly developed.

4. Lastly, the simpler conditions of union between Church and State yielded to a separation of some extent between the two bodies. Ecclesiastical jurisdiction was withdrawn from the united courts; and secular business was left to itself. Bishops and archdeacons no longer sat in the courts of the hundred or of the shire. They were to try causes, not by the customary process, but by canonical law. No spiritual questions were to come before laymen; but the King and the sheriffs were to enforce the excommunication pronounced in spiritual courts. Thus was introduced the body of canon law to regulate ecclesiastical jurisdiction, and with it appeals

to Rome. Bishops, archdeacons, and rural deans, had their tribunals as well as their councils.[1]

Hence came, till matters were settled by the Constitutions of Clarendon and in other ways, a vast amount of confusion, and in consequence, of controversy and angry dispute.

This important measure led in time to the separation of the one National Council into the representation of the 'Three Estates of the realm.'[2] In course of time, after the great consolidation of the thirteenth century, instead of finding the King consulting personally with his Witenagemôt, he is presented to us with his three Estates, Clergy, Lords, and Commons, all deliberating apart. For immediately after the Conquest, besides the change in the courts of justice, the clergy began again to sit in Synod as a distinct body from Parliament. For example, in William the Conqueror's reign, after the King and his Witan had sat for five days, Archbishop Lanfranc and his clergy sat for three days more.[3]

But it is remarkable, as may be inferred from the fact just mentioned, that the temporal assemblies of England never wholly lost their ecclesiastical character.[4] The prelates who afterwards met together for spiritual discussion had before been engaged with the King and his barons and knights. This custom, which thus

[1] Stubbs, ii. 172.

[2] Blackstone, i. 2. Mistakes are common on this subject; the Sovereign is not an estate, and cannot be regarded so; the assent of Convocation used to be considered necessary for national measures.

[3] Freeman's *Norman Conquest*, iv. 393. He quotes Chron. Petrib. 1085, and remarks that this usage was 'occasional in earlier times.'

[4] Freeman, v. 416.

survived the alterations of the Conquest, remained unbroken, till by the decrees of Magna Charta the archbishops, bishops, and abbots were regularly summoned by royal writ directed severally to each. They never lost their immemorial right: indeed their conciliar action was stimulated by their separation from the temporalty; and the undoubted right to assemble, not any figment of a temporal barony, constituted their title to be present.[1]

During this period, ecclesiastical Assemblies were constantly held side by side with Parliament. The clergy enjoyed great independence of action.[2] They bore a threefold relation towards the rest of the body politic. First, their chiefs, as has been just mentioned, attended the King's Parliament. Next, they had the right of meeting by themselves, and they exercised that right, in archidiaconal, diocesan, provincial, and national Councils. Thirdly, inasmuch as they preserved to themselves the control over their own temporalities, the whole body of the beneficiary clergy was called together through their proctors concurrently with Parliament for the purpose of voting supplies. They were definitely organized by Edward I. in this way as a portion of his Parliament.[3] The monastic bodies possessed also their provincial or

[1] Freeman, v. 417.

[2] 'In those days,' *i.e.* in Stephen's reign, 'so far from the national Council ruling the affairs of the Church and confirming the decrees of ecclesiastical Synods, ecclesiastical Synods, as the one shadow of law and order that was left, took upon them to rule the affairs of the nation and dispose of the Crown of England.'—Freeman, v. 420.

[3] In the *præmunientes* clause. Stubbs, *Constit. Hist.* ii. 195. See below.

general chapters or councils. All these assemblies also occasionally watched over their independence, either generally or in the way of taxation. They were remarkably free from any interference of the secular power in their concerns.[1]

The clergy used to meet from the earliest times in diocesan or even archidiaconal Synods, and in National Councils. But provincial synods, or the Convocations as now termed, though they assembled before, do not appear to have settled down into a regular habit and system of meeting till the thirteenth century. The grand settlement of Magna Charta led the way to more definite representation.

That settlement was the conclusion of a long-continued contest between the kings and the Church. This contest had first prominently been commenced in the dispute about investitures, ostensibly with Anselm, but really with the papal power.[2] The kings had conferred upon the prelates who had been appointed the episcopal ring and pastoral staff or crosier, in token of their livery or seisin in the temporalities of their sees. Objections were made at Rome to this bestowal, as lay investiture was opposed all over the continent. Henry I., after a contest, yielded, and investiture from Rome became thenceforwards the rule.

The quarrel between Henry II. and Thomas Becket

[1] Cf. Stubbs, i. 572.

[2] This was brought on through the revival by Henry I. of the union of the Ecclesiastical and Civil Courts, which had been separated by the Conqueror. The bishops under Anselm's guidance refused to go back to that arrangement. Blackstone, iii. 63.

turned upon different points. The first question was,—and that is the only one which need concern us now, as the rights of the Church at Canterbury are hardly of sufficient importance for our present purpose,—whether the clergy should be exempted from secular jurisdiction. Were the clergy to exercise complete authority over their own body in secular matters also, or was a cleric who offended against the secular law to be judged in a secular court? Becket demanded that such a man should not be tried as a layman till he had been degraded from his order. The Constitutions of Clarendon [1] were the result, which Becket first accepted and afterwards repudiated. In this particular the Church was unsuccessful, as was indeed right.

At the time of the contest with John, the Church was on the side of the people, as the chief advocate of freedom. Churchmen had before this been active and influential in building up the fabric of the State, as Roger of Salisbury for example imparted order to the Courts of Exchequer and of Curia Regis, the germ of the Court of Queen's Bench. The clergy were the earliest agents in winning national liberty. 'They had bound up the wounds of the perishing State at the accession of Henry II.; they had furnished the first, if not the only, champions of freedom in the royal councils,

[1] 'The Constitutions of Clarendon in 1164, which claimed for the Crown the right to exercise a paramount influence on the election of bishops, as well as to interfere in ecclesiastical causes, and to prevent appeal without the king's consent from the Archbishop's Court.'—'Report on the Relations of Church and State. Convocation of the Lower House of the Province of Canterbury,' p. 3.

where St. Thomas, St. Hugh, and the Archbishop Geoffrey had had courage to speak when the barons were silent.'[1] And so Stephen Langton was one of the chief instruments in laying the great foundation of English liberty. Accordingly the first article in that celebrated compact between John and his people was, 'Quod ecclesia Anglicana libera sit, et habeat jura sua integra et libertates suas illæsas.' And the clause proceeded in a confirmation of that freedom of election to all offices—meaning bishoprics especially—which the King had previously granted to the Church. For, as a recent historian says, 'In itself the Charter was no novelty, nor did it claim to establish any new constitutional principle.'[2]

Thus the Church was the corner-stone of English liberty. And as in earlier times the union of the Realm followed upon the unity of the Church, so now the system of representation in parliament was formed upon the pattern of the procuratorial representation of the sacred synods.[3] Nor can there be a much greater historical mistake than to imagine, as some men have done, that the Convocations of the Church arose from an imitation of the House of Commons, and that they grew out of secular needs of taxation. So strange a ὕστερον πρότερον, or putting the cart to draw the horse, is utterly

[1] Stubbs, i. 632.

[2] Green's *History of the English People*, i. 244. Magna Charta declared, 1. The Freedom of the Church; 2. The Freedom of the State, announcing the methods of summoning to Parliament; 3. The Freedom of the Individual, in the Trial by Jury.

[3] Stubbs, i. 635.

inconsistent with a knowledge of the previous independence of the Church, or with an acquaintance with the first two volumes of Wilkins' 'Concilia,' or indeed with the early part of Spelman. Provincial Synods had been in existence for centuries; and even modification, had there been such, would not have been creation. 'The germ of Convocation' is not to be sought for during this period; but rather the seeds of Parliament are manifest in the blossoming of the institutions of the Church. Such is the stubborn witness of history.

The independence of the Church may be seen in the growth of canon law, in the successful struggles under Anselm and others for clerical immunities, in the firmness with which the clergy kept the taxation of themselves in their own hands, and lastly and chiefly in their conciliar action. It has been stated that Synods of the Church were in the habit of assembling all through this period. Indeed numerous instances are on record of national synods, provincial synods, and diocesan synods meeting from the era of the Conquest up to the time when Edward I. summoned the clergy to his Parliament.[1] Provincial synods, or Convocations, seem to have come more into operation at the opening of the thirteenth century. No less than twenty-six are then recorded before the celebrated summons of Edward in the *Præmunientes* clause, which is even now the law of the State under which our Convocations are called together.

In the year 1277, Archbishop Kilwarby summoned

[1] See them arranged tabularly in Joyce's *England's Sacred Synods*, 199–204, 248–256.

a provincial Synod, to consist not merely of bishops and their suffragans and some of the greater persons of their chapters, but also of proctors of all the clergy of each diocese. In 1283, Archbishop Peccham called together, besides the bishops, abbots, priors, deans, and archdeacons, two proctors for each diocese, and one for each chapter. This Synod refused to join the Parliament assembled at Northampton, notwithstanding the King's writ. But it assembled again in the autumn of the same year, and besides transacting other business, voted subsidies to the King to defray the expenses of his Welsh campaign. In 1290, Edward directed a writ to Romani, Archbishop of York, desiring him to call together his provincial Synod, in order to raise money to meet the royal needs. In 1294, he addressed a writ to each bishop, directing him with his archdeacons and two proctors for the clergy to come to confer with him upon the state of Gascony. The clergy refused to pay as much as the king desired, and in 1295, he issued the writ to summon the Parliament, containing the *præmunientes* clause.[1] This clause is simply a copy of what Archbishop Kilwarby had ordered in 1277, and Archbishop Peccham in 1283. That is to say, Edward did

[1] 'Præmunientes priorem et capitulum ecclesiæ vestræ, archidiaconum totumque clerum vestræ dioceseos : facientes, quod iidem prior, et archidiaconus in propriis personis suis, et dictum capitulum per unum, idemque clerus per duos procuratores idoneos, plenam et sufficientem potestatem ab ipsis capitulo et clero habentes, una vobiscum intersint, modis omnibus tunc ibidem ad tractandum, ordinandum, et faciendum nobiscum, et cum ceteris prelatis, proceribus, et aliis incolis regni nostri, qualiter hujusmodi periculis et excogitatis malitiis obviandum.' 'Præmunientes' was put in the barbarous Latin of the time for 'Præmonentes.'

not create the Convocations, but employed for his own purposes the organization previously existing. There is, indeed, reason to suppose that the practice referred to was of much greater antiquity.[1] The real effect of the 'Præmunientes' clause was to convey a temporal summons of the spiritualty for a temporal purpose, viz., for taxation. It left the spiritual right of assembling untouched.

Thus the principles of the Great Charter, which were indeed the abiding principles of the Constitution, were developed by Edward I. The three Estates of the Realm were now provided with a regular representation, and were summoned through that representation in regular course of law. Not, indeed, as we have seen, that the Church did not owe her representation to her own action outside of State-law, or did not retain it still in purely spiritual matters. The State only added legal sanction for temporal purposes to the Church's own decrees.

This 'legislation is the basis of all subsequent legislation, anticipating and almost superseding constructive legislation for two centuries.'[2] It was accomplished indeed in a striking period, the century of Langton, the soul of the settlement of Runnymede, of Grosseteste, the friend and adviser of the constitutional opposition in the reign of Henry III., of Edmund Rich, and of the Cantilupes. The architectural remains of that period in the First Pointed or Early English style, proclaim the worth of those builders of the constitutional greatness of

[1] See the question excellently argued in Joyce's *England's Sacred Synods*, chapters viii. ix.

[2] Stubbs, ii. 157.

England. And the next century, in maintaining and consolidating the liberties already won, and in amalgamating the several Estates in harmonious co-operation, and in thus developing wisely the principles already established, showed itself, as in architecture, so in politics, a worthy successor.

But it is remarkable, that though the two Convocations now assembled co-ordinately with Parliament for the civil purposes of voting supplies, yet this was neither the limit of their action, nor of their assembling. Their chief object was to order spiritual matters of business. Besides this, Archbishop Arundel, for example, held many Convocations which had nothing to do with questions about money.[1] And Archbishop Wake has proved, in his controversy with Atterbury, that Convocations were by no means always the adjuncts of Parliament.[2] It is also remarkable, that with the greater frequency in the assembling of the provincial Convocations National Synods fell almost into abeyance. No less than thirty-three National Synods are recorded between the Conquest and the close of the thirteenth century. Since that time

[1] Stubbs, iii. 321.

[2] *State of the Church and Clergy of England in their Councils, Synods, Convocations, and Conventions.* In this learned folio, Archbishop Wake shows that each Archbishop has the right, with the Sovereign's concurrence, whether or not in conjunction with the other, of summoning a Provincial Council, which would have nothing to do with the 'State-Convocations,' summoned under the Præmunientes Clause. Bnt in maintaining that a Convocation and a Provincial Council are two distinct bodies he goes too far. It is one and the same assembly, whether summoned under state authority for political as well as ecclesiastical purposes, or by ecclesiastical authority with state permission to deliberate upon spiritual questions only.

till the present day there have been only seven, if we except the Legatine Synods, or those, amounting to the number of four, which were occasionally held before the Reformation under a legate of the Pope.[1]

Indeed, the fact that in the mediæval Church the Pope was regarded as the head of things spiritual, made the independent origin and position of the Church so much the clearer. The King was indeed regarded as the head of things temporal. But inasmuch as he was the spiritual child of the Pope, the latter was considered as in some degree his superior in things temporal and spiritual alike.

The distance between Rome and England caused the question of the right of appeal to arise but seldom. The chief battle-field was the appointment of bishops.

Before the Conquest, they were elected, as has been shown, by a co-operation of clergy and laity. But archbishops always received their 'pall,' and with it the confirmation of their election, from Rome. This practice was continued till the Reformation. Indeed, Stephen Langton was appointed by Innocent III. over the heads of two others who had been proposed to him. But with the other bishops the case was different.

After the dispute between Henry I. and Anselm, the custom prevailed that the chapter should elect, the metropolitan and comprovincial bishops should consecrate, and the King should bestow the temporal estates and authority. This practice continued under Stephen,

[1] See Joyce's List, *England's Sacred Synods*, pp. 84–86. The virtually National Synod of 1661 is also included.

Henry II., and Richard. In the charter granted to the Church before the Great Charter, which also was confirmed in the latter, John conceded the right of free election, subject to the royal licence and approval, neither of which were to be refused without good excuse. The election was made in the chapter-house, and the King's wishes were signified by letter or message, not as before, by direct dictation. Then came the confirmation by the metropolitan, then the consecration, and lastly, the bestowal of temporalities after homage.

In the thirteenth century, the first claim was made by the Pope upon the appointment of suffragans. Before this, metropolitans were appointed either by sending the pall, or by a special legation. After Langton's time till the days of Chichele, all archbishops were legates. It was Wolsey's extraordinary legatine authority that pulled down the edifice.[1] In the reign of Henry III. constant disputes took place between the King and the chapters about the appointment of suffragan bishops; and as appeals were carried to Rome, the Papal influence increased. This struggle continued in Edward I.'s reign, when there were twelve such disputes. And in the beginning of the fourteenth century, the Popes began to appoint directly.

They effected their purpose by the system of 'Provisions,' i.e., providing by previous nomination for the appointment before the vacancy occurred. This encroachment was enforced all through the reign of Edward I.,[2] though till the opening of the fourteenth

[1] Stubbs, ii. 17. [2] Id. iii. 311.

century, it was confined to inferior patronage. But in 1307, at the Parliament of Carlisle, the laity forced the subject upon the king's attention; and the result was the first statute against provisions. During the reign of Edward II., who succeeded in July of the same year, the papal encroachments continued. But Edward III. enacted several laws with severe penalties against provisors.[1] And during the next reign, after several enactments increasing the stringency of the previous statutes, the celebrated act of Præmunire[2] was passed in the year 1393. According to this statute, 'whoever procures at Rome or elsewhere, any translations, processes, communications, bills, instruments, or other things, which touch the king, against him, his crown and realm, and all persons aiding or assisting therein, shall be put out of the king's protection, their goods and lands forfeited to the king's use, and they shall be attached by their bodies to answer to the king and his council.'[3]

The virtual appointment to bishoprics was henceforward in the hands of the King, except that Henry V. restored it to the chapters for a short time. The Parliament of 1399 declared that the Crown and Realm of England had been in all time past so free that neither pope nor any one outside the Realm had a right to meddle therewith.[4] In 1402, Henry IV. confirmed the liberties of the clergy. The clergy under Chichele re-

[1] In the 25th, 27th, and 38th, years of his reign. Blackstone's *Commentaries*, iv. 110, *note*.

[2] 'Præmunire facias,' a barbarism for *præmoneri*. The Acts alluded to were passed in 3, 7, 12, and 13 Richard II. Blackstone, iv. 111.

[3] Blackstone. [4] Stubbs, iii. 293.

monstrated with Henry VI. against the penalties of præmunire, and received a promise that they should be relaxed; not as is probable in the interests of papacy,[1] but to secure free election to bishoprics as against the crown.

There is another movement between the Conquest and the Reformation, which, from its magnitude as affecting the development of the Church, demands our notice. The Black Friars of Dominic, and the Grey Friars of Francis of Assisi, who came forth at the beginning of the thirteenth century, and instead of living in cloisters, preached in poverty throughout the country, were a great means of spreading the influence of the Church amongst the masses. Being lay-preachers and in humble life, they not only reached the lower classes of the people as being on a par with themselves, but their existence afforded opportunity to those to vent their zeal in preaching, who would not have found a chance of doing so in any other way. Their suppression by Henry VIII. caused a spread through the country of a vast amount of unsatisfied zeal. For this an opening was found outside the Church in the establishment of the various sects of Dissent, especially by Wesley in the eighteenth century.

Indeed, how to provide openings for such zeal, which, in the abstract, is perfectly natural and legitimate, is a difficult problem for Churchmen to solve. The advance of the Church in our own day is probably due in great measure to the large introduction of schoolmasterships,

[1] Blackstone, iv. 112-114.

of choristerships, lay readerships, and such like offices. These are being developed no doubt most usefully; but we must face the question of lay-preaching in England, duly authorized, duly subordinated, and duly restricted, yet with sufficient freedom and scope to flourish in a natural soil. Till the Church of England does this, she must lack the amplitude of organization which is necessary to make her coextensive with the English people. Such, if I mistake not, is the verdict of history; such is perhaps the most difficult problem which we have to solve at the present day.

The importance of the period, which has passed rapidly under review, can hardly be overrated. It culminated in that time of which every Englishman must be proud, the reigns of Edward III. and Henry V. It included the rearing of most of those magnificent monuments of piety and architectural skill which are the ornaments of our country. It saw the foundation of most of our colleges, and of the public-school system in Wykeham's grand institution of Winchester and New College. It witnessed the formation of the National Parliament, the definite legalization of Provincial Synods in union with Parliament, and the liberation of the Church from undue State control. On the other hand, National Synods died out, in great measure indeed through the usurpation of the Papacy, and with them the real independence of the National Branch of the Church. Still it is a period which has bequeathed to us our most splendid national monuments, and our greatest European

achievement. Can we afford not to estimate with respectful care the answers which it worked out to most involved and perplexing questions, which, at the present time, are presented to us in a strange intricacy, that must be unravelled ?

CHAPTER X.

HISTORICAL SURVEY.

IV. The Reformation-Period.

SUFFICIENT weight is hardly ever attributed to the Wars of the Roses.

A bloody struggle of internecine atrocity, partaking of the character more of a gigantic squabble than of a principled war, symbolizing nothing but mere ambition and selfish rivalry, exhibiting the bad features of civil contention without any excuse of solving social problems:—it could only have run its destructive course when the moral energies of the nation had been shattered in a needless career of foreign conquest, which began in wondrous glory, and ended in a somewhat ignominious expulsion of the conquerors.

The 'Hundred Years War' had in itself caused a profuse expenditure of noble English blood. And notwithstanding the fact that there were just as many barons at the accession of Henry VII. as there had been when Henry VI. succeeded to the throne,[1] the slaughter in the obstinate contests between the Houses of York

[1] Green's *History of English People*, ii. 14.

and Lancaster must have left behind only ruinous and weak remains of the ancient baronial houses. One fact speaks volumes, both as to the decrease of the power of the nobles, and the enhancement of the strength of the crown, even if it has been encircled with a halo of exaggeration. Nearly one-fifth of the land of the entire country passed, as is said, into the royal possession at one period or other of the civil strife. The moral and religious conditions of Europe were, at the time, favourable to a decadence. The fall of an aristocracy, which is at the same time the bulwark and the boundary of constitutional royalty, is the usual prelude to a despotism.

Such was the introduction to the era of the Reformation in England. The old aristocracy was effete: the new aristocracy was undeveloped. The conditions of English society must have sunk to a low ebb, or the leadership under the throne would not have fallen into such hands as those of Thomas Cromwell, Cranmer, and Buckingham. The barons and clergy of the times of John, or of the Edwards, or the people after the Restoration or before the Conquest, would not have submitted to such a tyranny as was now exercised; nor would the sovereigns of these two last periods have attempted it.

'With the close of the War of the Succession freedom suddenly disappears. We enter on an epoch of constitutional retrogression, in which the slow work that went before it is rapidly undone. Parliamentary life is almost suspended, or is turned into a form by the overpowering influence of the Crown. The legislative powers of the two Houses are usurped by the royal

Council. Arbitrary taxation re-appears in benevolences and forced loans. Personal liberty is almost extinguished by a formidable spy-system, and by the constant use of arbitrary imprisonment. Justice is degraded by the prodigal use of bills of attainder, by the wide extension of the judicial power of the royal council, by the servility of judges, by the coercion of juries.'[1]

The new usurpation was begun by Edward the Fourth. To this subtle King 'his Tudor successors owed their elaborate spy-system, the introduction of the rack into the Tower, and the practice of royal interference with the purity of justice.'[2] He found worthy followers in Richard III., Henry VII., and Henry VIII. In the last thirteen years of the reign of the second of these, Parliament was only once convened. The despotism reached its culminating height under the last, when Cromwell laid his tyrannical hand upon the Church. And the persecutions of Mary, the committals to the Tower by Elizabeth, the action of the Star-chamber, the Court of High Commission, the violent maintenance of 'the divine right of Kings,' the liberties taken with taxation,—to mention no more,—would amply prove that the spirit and habit of despotic sway remained, if all doubt had not been excluded by the civil war to which the despotism led.

At the same time, although high-handed proceedings characterized the monarchs of this period, it must be remembered to the honour of England, that constitutional

[1] Green's *Short History of the English People*, p. 283.
[2] Id. p. 287.

rule was all along the law, and that it regulated to a very large extent the government of even the most despotic Kings.

That Henry VIII. curtailed the liberties of the Church, cannot be doubted. He exacted the celebrated Act of Submission from the Convocations of the Clergy in 1534. According to this Act, four points were settled; first, that the Convocations can only be assembled by Royal writ. Secondly, that they cannot proceed to make new canons without a Royal license, which is a separate act from the permission to assemble. Thirdly, that no canons which have been thus adopted, can be published or take effect until they are confirmed by the sovereign. Lastly, that even with the Royal authority no canon can be enacted against the laws and customs of the land, or the prerogative of the Sovereign.

Again, not to speak of the property which he seized, —though 'something like a fifth of the actual land of the kingdom,' as we are told, 'was in this way transferred from the holding of the Church to that of nobles and gentry,' [1]—since it had been in a measure diverted from its first intention,—he concentrated in himself more power over spiritual matters than had ever fallen to the lot of any Christian king. It has been often said, that we might describe the change made at the Reformation by affirming that in addition to the royal power, Henry seized all the authority previously exercised by the Pope in England. Now it has been shown above that this authority was not so much as has been generally sup-

[1] Green, 324.

posed. But Henry did not really acquire even all this. It is true that he prevailed upon Convocation, under terror of an unjust sentence of Præmunire, and upon Parliament, to declare him 'the only supreme Head on earth of the Church of England.' But Convocation added an important limitation, 'Quantum per Christi legem licet.' If Cromwell in the king's name intruded into matters of purely spiritual jurisdiction, as when he proceeded to 'tune the pulpits,' or as when he initiated from the Throne the new Articles, and as Vicar-general forced them violently into general acceptance, yet the additional clause just quoted struck a well-known chord in people's minds, and introduced a restraint which was even more potent in the future.

'It would appear,' says the judicious Dr. Cardwell, 'from the principal act of Queen Mary, and the statutes repealed by it, that the Pope's jurisdiction in England was comprised under the five following heads: 1. He was acknowledged as Chief Bishop of the Christian Church, with authority to reform and redress heresies, errors, and abuses within the same. 2. To him belonged the institution or confirmation of Bishops elect. 3. He could grant to clergymen licences of non-residence, and permission to hold more than one benefice. 4. He dispensed in the canonical impediments to matrimony. 5. He received appeals from the spiritual courts.'[1]

'The supremacy of the sovereign,' the same learned writer had just said, 'rests mainly upon the statute (1

[1] *Documentary Annals*, i. Pref. ix., referring to 1 and 2 Phil. and Mary, c. 8, and Lingard, *Hist.* v. 74, *note.*

Eliz. c. 1.) which restored to the Crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolished all foreign powers repugnant to the same.' By that statute it enacted, that 'such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority may have lawfully been, or may lawfully be, exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall be united and annexed to the imperial crown of this realm.'[1] By another statute of the same period (1 Eliz. 2, § 26), the sovereign was empowered with the advice of commissioners, or of the metropolitan, to ordain additional rites and ceremonies, to be of equal force and authority with those already ordained by act of Parliament.'[2]

It must be remembered, that the Pope exercised his authority mainly through the medium of the Church of England,[3] except when he appointed his legates or Vicars to visit and interfere directly. The power which the Popes exercised was now, with the as yet undefined limitation just mentioned, transferred to the sovereign, including visitatorial authority, which was the most objectionable part of it. And it was wielded in an unprecedented manner as being in the hands of a King,

[1] Provision was also made in the same statute that the Convocations must assent to any declaration of heresy by Parliament, 1 Eliz. 1, § 36.—Convocation Committee's Report.

[2] *Doc. Ann.* Pref. viii.

[3] See Appendix I.

both in Henry VIII.'s reign, and in that of Edward VI. The visitations of Cromwell, the Committee of State appointed to guard against heresy, the visitation of Edward with the suspension meanwhile of archiepiscopal and episcopal visitations, minute interferences with religious observances, such as the council's order about the removal of altars, showed that the title of 'Supreme Head of the Church' was not restricted to external supervision.

But on the accession of Elizabeth, three points in her ecclesiastical policy demand attention.

1. The Queen strongly asserted that she was only following time-honoured precedent in 'restoring to the Crown the ancient jurisdiction over the State ecclesiastical, and abolishing of all foreign power repugnant to the same.'[1] And so it was decided in Cawdry's case, that the Act of Supremacy 'was not a statute introductory of a new law, but declaratory of the old.'[2]

2. She rejected the title 'Supreme Head,' as applicable only to our Lord,[3] and assumed instead the designation of 'Supreme Governor of this Realm as well in causes ecclesiastical as temporal.' The significance of this is evident.

[1] Queen Elizabeth's Injunctions, 1; Cardwell, i. 211. William the Conqueror 'would not suffer that any one in his dominions should receive the pontiff of the city of Rome as apostolic pope, except at his command, or should on any condition receive his letters if they had not been first shewn to himself.' Nor would he permit the Archbishop of Canterbury to call the bishops together and enact anything which he did not allow. (Stubbs, i. 286.)

[2] Cardwell, Pref. xi. Coke's fifth Report, p. 8.

[3] Cardwell, i. 235, *note*. Jewell's letter to Bullinger, Strype, *Ann.* i. p. 490.

3. Nevertheless, she instituted the 'Court of High Commission,' consisting in the first instance of two in episcopal orders, Archbishop Parker and Bishop Grindall, and seventeen laymen, to examine into doctrinal errors, and into ecclesiastical and moral offences. 'This court was erected and united to the regal power by virtue of the statute 1 Eliz. 1., instead of a larger jurisdiction which had before been exercised under the Pope's authority. It was intended to vindicate the dignity and peace of the Church, by reforming, ordering, and correcting the ecclesiastical state and persons, and all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities. Under the shelter of which very general words, means were found in that and the two succeeding reigns, to vest in the High Commissioners extraordinary and almost despotic powers, of fining and imprisoning, which they asserted much beyond the degree of the offence itself, and frequently over offences by no means of spiritual cognisance. For these reasons this Court was justly abolished by statute 16 Car. I. 11. And the weak and illegal attempt that was made to revive it during the reign of King James II. served only to hasten that infatuated prince's ruin.' [1]

A Visitation was also ordered at the beginning of her reign, as in that of Edward VI., and orders were made about religious observances.

The Great Court of Appeal in ecclesiastical causes was restored. When appeals to Rome, which had been made more or less from the time of Stephen onwards,[2]

[1] Blackstone, iii. 67. [2] Ibid., iii. 66.

were forbidden by Henry VIII., the Court of Delegates, 'appointed by the King's commission under his great seal, and issuing out of chancery,' was appointed to represent the Royal Person, and to hear all appeals. This commission was 'frequently filled with Lords spiritual and temporal, and always with judges of the courts at Westminster, and Doctors of the civil law.' In case the King himself was party in any such suit, the appeal did not lie to him in chancery, 'which would be absurd;' but to the bishops of the Province.[1]

In extraordinary cases, the sentence of the Court of Delegates, if it was 'apprehended they might have been led into material error,' might be revised by a Commission of Review, granted specially for the purpose. But this was not a matter of right, which the subject might demand *ex debito justitiæ*; but merely a matter of favour, which therefore was often denied.[2] Such a Commission of Review was applied for in the Court of Chancery in 1798, when the Chancellor upon hearing the arguments of civilians and barristers, respecting the judgment of the Delegates, determined to recommend the King to grant a Commission of Review.

The well-known alteration in the appointment of Bishops was made at the beginning of this period. By his first charter to the Church, King John conceded to monasteries and cathedrals the free right of electing their prelates, whether bishops or abbots. This right was expressly recognised and confirmed in the Great Charter, as has been already mentioned; and was again

[1] Blackstone, iii. 66. [2] Id. iii. 67.

established by statute in the reign of Edward III. Henry VIII. took it away; but still retained the shadow of the old election in the celebrated writ of *congé d'élire*, whilst he made it a nullity by enacting that the Dean and Chapter should be exposed to the penalties of a præmunire, if they should fail within twelve days to elect the royal nominee. In a statute of Edward VI. re-enacting this mode of election, it is declared that such elections are in very deed no elections, but have colours, shadows, or pretences of such. This statute was repealed by Mary, but re-introduced by Elizabeth. Practically, therefore, the appointment of Bishops has ever since been vested absolutely in the Crown.

During the whole of this period, except when the action of the Church was entirely suspended by the Rebellion, the two Convocations met regularly and transacted business. They still managed the taxation of the Clergy. Besides which, they generally regulated matters purely spiritual, except when the Crown interfered as has been explained. Thus they drew up the thirty-nine articles from Cranmer's forty-two,[1] which also had been passed in Synod: they made the Canons of 1604, and the first part of Overall's Convocation-book, besides executing numerous works of a like nature. The Canons possess the royal authority, having been issued by letters patent under the great seal of England. But neither of these two documents ever passed parliament. James I. from his despotic ideas took exception

[1] First they were reduced to thirty-eight in 1562, and by the insertion of Article XXIX. made thirty-nine in 1571.

to the Convocation-book; and after being sanctioned entirely by the Convocation of Canterbury, and as far as the end of the first part by that of York, it went no further.

But the position of the Church in legislation upon spiritual matters may perhaps be best learnt by examining the history of the several revisions of the Book of Common Prayer.

The first Prayer-book of Edward VI. was prepared by a Committee of Bishops, and 'other learned men of this realm,' appointed by the King. Then it was passed the Convocations. Then it was approved and ratified by Parliament[1] and the Crown.

The second Book was drawn up by a Royal Commission to which 'there is reason to believe that the Convocations were induced to delegate their authority.'[2] Parliament then ordered it to be 'accepted, received, used and esteemed.'

The Prayer-book of Elizabeth, which was Edward VI.'s second with a few alterations, was revised by Royal Commissioners, and then enforced by Act of Parliament, and under Royal Authority. The Convocations were not consulted, being composed of the ministers appointed by Mary. All that can be concluded is that there was subsequently a tacit acquiescence, and in the Articles a confirmation of the Ordinal.

The Prayer-book of James I. was made up by a

[1] Parker's *Introduction to the History &c. of the Book of Common Prayer*, p. xxii. Oxford and London, 1877. Strype, *Ecclesiastical Memorials*, ii. 137, 331.

[2] Parker, xxx. note *d*.

Royal Commission, and then presented to Parliament. 'There is no evidence that the new Prayer-book was submitted to the Convocations.'[1] But those Bodies afterwards accepted and confirmed it by enacting the eightieth Canon.

The last revise of the Prayer-book was made as follows :—Upon the failure of the negotiations with the Presbyterians at the Savoy Conference, letters were issued by the King 'authorizing and requiring' a review of the Book of Common Prayer. The Upper Houses of the two Convocations, which in this matter acted together, so forming practically for the nonce a National Representation of the Clergy, appointed a joint-committee of Bishops, who made a draft which was communicated to the Lower Houses. After some progress, a joint-committee of Bishops and Priests was appointed to confer together, and in course of time the Prayer-book, as revised, passed the Synod.[2] The book thus presented was accepted by the King without alteration, and was by him transmitted to Parliament with his 'approbation.' It was then passed intact, without any discussion of details, by both Houses of Parliament. In the House of Commons alone there was a division as to whether 'debate should be admitted to the amendments made by the Convocation,'[3] and the

[1] Parker, lvi.

[2] Proxies were appointed to act for the Convocation of York, and in the name of that Assembly joined in the assent. (Joyce, p. 91.)

[3] Proceedings of the House of Commons; cf. Parker, cccclxxi.

question was settled in the negative.[1] The book was then accepted without further division. Such is the basis of authority upon which our Prayer-book rests.

That this last revision was the occasion of the withdrawal of a large body of Nonconformists must always be deplored, though the question must remain extremely doubtful if, under the circumstances, and especially in the state of feeling which then prevailed, such a secession could have been prevented. Many of the objections advanced were petty and frivolous, as for instance the exception to the use of the ring in the Marriage Service, but some involved a difference in Doctrine, and the total number was so large that they could not have been accepted without organic change. The temper shown on both sides was that of intolerant opposition. The demands made were in fact so sweeping, that the Bishops could not have admitted them without a great sacrifice of principle.

The disappointment felt at this attempt to conciliate the Presbyterians, and the uncompromising spirit in which it was met, must go far to account for, though it cannot excuse, the harshness with which they were at first treated. After the two thousand, or about a fifth of the rectors and vicars of the time, had resigned on that St. Bartholomew's day, various Acts of Parliament were enacted of a persecuting nature. The House of Commons showed itself at least as severe as any of the ecclesiastics. But there was a revulsion in the feeling of the nation, when

[1] Doubtless by only ninety-six to ninety. But the unopposed decision of the Lords must be taken in conjunction with this.

ten years after this, Charles II. published his Declaration of Toleration, suspending all penal laws on account of Religion. The State had attempted to drive men into Conformity, before the Church had led them by the gentler means of persuasion. If the despotism of the Throne had ceased, the despotism of the State was nevertheless in full operation, and the Church of the time connived at it.

It is greatly to be deplored that some attempts that were made a few years after the Act of Uniformity did not meet with more support. For example, Lord Keeper Bridgman, and Wilkins, Bishop of Chester, tried to frame a bill to include the more moderate Nonconformists, and consulted Baxter and Manton. Their opinion was that Archbishop Ussher's scheme would comprehend them all. Ussher had proposed that 'the clergyman, churchwardens, and sidesmen should compose a body for the management of the parish. Chorepiscopi, or Bishops rural, were to be established in every rural deanery, who should hold monthly assemblies. These were to be subjected to the power of the diocesan synod, and that to the provincial or national Convocation.'[1]

Without discussing the value of these several suggestions, we may yet see that a policy in this direction, such as would not violate the principles of the Church would probably have lessened materially the numbers of the Nonconformists. But autocracy had not died out:

[1] Short's *Church History*, p. 422.

and it had impressed itself upon the constitution of the Church of England.

At the close of a survey of the history of the Church during the period of the Reformation, the question naturally arises, what part of that period affords the best example of the truly constitutional action of the Church. And the answer is evidently indicated by the history, and points to the settlement after the Restoration : and this for two reasons.

First, the notorious usurpation of power by the Kings of the Tudor and Stuart races, from the Wars of the Roses out of which it arose, down to the Great Rebellion of which it was the cause, kept the Church in a measure in chains. It is an unwarrantable violation of the facts and tenour of history, to suppose that the liberty which was denied in temporal concerns was conceded in things spiritual. The management of the Church by a Vicar General, or a Protector, or a Court of High Commission, or by a direct interposition of the Sovereign, was according to no Catholic precedent, and was alien to all constitutional administration in the spiritual Church of Christ. These expedients are germane to despotic usurpation, but are unknown in the best periods of the career of the English race.

Secondly, we are plainly led to choose our examples, not during unsettled times when change was succeeded by change, or development was in progress till all was for a while swept away; but to the epoch of final settlement, when the building was reared which has already withstood the shocks of two centuries.

CHAPTER XI.

HISTORICAL SURVEY.

V. Modern Period.

IN the year 1707, a silent revolution was accomplished in the Church of England, the true nature of which remained unnoticed for a hundred and seventy years.[1]

By the old Constitution of England, there were Three Estates of the Realm, under whom came the cognisance of all matters, temporal or spiritual. Temporal business was initiated amongst the Lords and Commons, and spiritual matters were introduced through the Con-

[1] I cannot discover any notice till I pointed this out in *The Future Effects of the Folkestone Judgment*, p. 34. J. Parker and Co., 1877. See also *History and Doctrines of Irvingism*, ii. 346, *note*. C. Kegan Paul and Co., 1878. It is true that in 1706 an Act was passed, 5 Anne, c. 5, entitled 'An Act for securing the Church of England as by law Established,' which was afterwards incorporated in the Act of Union of the same year, 5 Anne, c. 8. This Act provides (1) that 'all and singular other Acts of Parliament now in force for the establishment and preservation of the Church of England, and the Doctrine, Worship, Discipline, and Government thereof, shall remain and be in force for ever;' (2) that the successors to the Crown 'shall take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England.' (Report of Committee of the Convocation of the Lower House of Canterbury on Relations of Church and State, p. 12.) But the fact that no provision was made for the English Members to meet alone when any internal interests of the Church of England were concerned shows that the extent of the Revolution was not really suspected.

vocations. Before the Conquest all met and deliberated together, though even then the Church had her own special assemblies. But during the Reformation-Period, the Church spoke on general subjects only through the Bishops who sat in Parliament. The Convocations then were concerned only with spiritual business, except that they exercised for the Clergy the right of taxing themselves.

An instance of the entire Constitution of the Church of England at work may be found in 1662, at the last review of the Prayer-book. The two Convocations being united practically into a National Synod—the last instance in England—revised the Prayer-book, thus representing in action the Clergy of the realm. The revisions thus made were, with the entire Book, ratified and confirmed by Parliament, which represented the Laity of England and Wales, and was with the Throne the acting Government of the Country. Over all, the King gave his sanction, as the head of the Laity, and the ruler of the Kingdom. Thus the whole was accepted by the Church and became part also of the law of the land. The Laity of the Church was thus led by the Sovereign, and represented by Parliament.

But when the Union between England and Scotland took place, and the two parliaments were consolidated into one, the position of the House of Lords and Commons, as representing the Laity of England, was fatally spoilt. Thenceforward Parliament knew nothing of English members apart from Scotch members. And no process could convert the latter officially into English Laymen,

or the representatives of English Laymen. Besides the fact that their constituents lived beyond the Border, the Established Church of their land was not in communion with the Church of England, and persecuted with more persistency the few who were, than Presbyterians were repressed to the south of the Cheviots. No one can adequately apprehend the position of the Church of England in modern times, or thoroughly grapple with her difficulties, who does not take into account the important fact, that ever since the Union with Scotland there has been no real representation of the Laity of England and Wales.

But it may be asked, what relation then does the Imperial Parliament bear to the Church of England? And the answer is plain and evident. The Imperial Parliament is not a Church Council in any way at all. It is the Council of the State. And it follows, therefore, quite as clearly, that Parliament has to do with the Church just so far, and just so far only, as the entire State has to do with the Church of England and Wales as established. Constitutionally, the relation is to be found in an external supervision, not in any internal regulation or influence. The enactments of the Imperial Parliament are State enactments, not Church enactments at all. The Sovereign still holds the character of Head of the Laity, as well as Ruler of the State. But the sequel to the Constitutional changes of the Conquest was found in the Union of the Three Kingdoms. The Church was virtually drawn further off from the State, and her sphere of legislative action separated from the Councils of the

Realm. Thenceforward she must either submit to an usurpation, or take measures to regain her independence.

This thesis may seem strange to some members of the House of Lords or House of Commons, who, imbued with traditional feeling, and knowing that they are Churchmen, cannot separate their personal from their official position. But a little consideration will demonstrate its irrefragable soundness.

It will be admitted, I suppose, that if the Church be a body having an independent existence, it must have the right of managing itself. If so, the right and title by which members of either House of Parliament join in settling the affairs of the Church must be that they are also members of the Church. But as members of the Upper House, if they live in Scotland, or in the House of Commons represent those who live there, how can they be in any official sense members of the Church of England? If therefore they have any right to direct the internal business of the Church of England, this can only arise from their forming part of the general legislature. That is, they do so from without, from the platform of the State, from the secular overlording the spiritual. But this is a treatment which has never been employed towards the Established Church of Scotland, certainly not to any other religious body in England, and is inconsistent with the grand opening of Magna Charta. Ever since the Union between England and Scotland the Parliament has been Imperial, and as such it must have a certain interest in a Church which is established: but that is from without, not from within

the Church. The presence of the Bishops in Parliament, which is a remains of the amalgamation of the two Councils in the Witenagemot, and is intended to sanctify the State Assembly by the association of the chief officers of the Church, cannot make those to be English Laymen who are not so, or turn a State Council into a Church Council, any more than the presence of the Brunswickers at Waterloo turned the English regiments into Brunswick regiments, or that signal success into a Brunswick victory.

This revolution was followed ten years after by another, which for a hundred and thirty-four years made all legislation of the Church for herself an impossibility. In 1665 the Clergy had consented to surrender the right of taxing themselves. Both clergy and laity had been taxed together during the Commonwealth. And on the restoration of the monarchy the superior simplicity of this system, combined with the fact that the clerical subsidies had hitherto been usually on a more liberal scale than those of the laity, disposed the clergy of the time to accept Lord Clarendon's proposal, on condition that they should have votes conjointly with their lay brethren in the election of knights of the shire. Thus what was one cause of the regular assembling of the Convocations,—though this has been greatly overrated, as has been shown,—had now for some years been removed.

During the reign of James II., in pursuance of the unhappy policy of that monarch, the Convocations were not allowed to meet for the transaction of business. And the Revolution of 1688 became the cause of the loss of

many of the most learned, able, and conscientious of the English clergy. The effects of this loss were still more enhanced by the policy which prevailed for long of selecting Bishops almost exclusively from the Whig party. Hence arose not only heavy discouragement to Churchmen, and a grievous loss of strength and of real faithfulness in the highest quarters in the Church, but also a want of cordial feeling between the Episcopal Bench and the rest of the Clergy. This was increased by the rising of the school which unfairly arrogated to itself the title of Unitarian,[1] towards which a few clergymen inclined, and notably Hoadly, afterwards Bishop of Bangor. After the Revolution, the Convocations, to use the words of Bishop Burnet, 'were kept from doing mischief by prorogation for ten years.' Towards the end of that time, 'A letter to a Convocation-man' was published, and was read to William III.; and became the cause of a great deal of controversy on the position and power of the Convocations, in which Wake, afterwards Archbishop of Canterbury, figured on the one side, and Atterbury, who was at a later time promoted to the Bishopric of Rochester, on the other. In consequence of these discussions, the Convocations were allowed to

[1] All Churchmen are Unitarians, inasmuch as they believe in the Unity of the GODHEAD, as well as the Trinity of Persons. Therefore to allow that term to others is to give battle by surrendering half the Church's entrenchments, and to rest the controversy upon a false issue. Such were the shortsighted tactics of a time when the insight into principles was strangely obscured. We have no right to give up part of the heritage Divinely bequeathed to the Church.—*History and Doctrines of Irvingism*, i. 4.

meet for business in 1700, and continued their sessions till 1717.

In that year the celebrated Bangorian controversy was discussed in the Lower House; and in consequence of the tone of the debate, George I., under the advice of Walpole, refused for the time the issue of the royal writ summoning the Convocations conjointly with Parliament. When the excitement had passed away, the writ was again issued regularly. But notwithstanding a protest of the Upper House in 1728, and an attempt made in the Lower in 1742,[1] the Convocations never were allowed to transact business till the year 1853, when after a preliminary session for three days in November 1852, at the period of the re-assembling of the new Parliament, 'letters of business' were granted, and the Convocation of Canterbury commenced work in earnest. Still the Northern Convocation did nothing during the presidency of Archbishop Musgrave, except electing a Prolocutor in 1859, and transacting then a little business. But the accession of Archbishop Longley in the next year brought it into active operation. The entire number of Proctors for the Clergy were summoned, instead of only two for a Diocese, as in the Southern Province. Since then, under the management of Archbishop Thomson in the Northern Synod, co-operating with the activity in that of Canterbury, Canons have been made and published by both Convocations, and confirmed by Royal Letters Patent.

This breaking up of the organization of the Church

[1] Lathbury's *History of Convocation*, p. 465.

of England, and the survival only of the Royal control, which, as we have seen, has a double character, and of Parliament, a State Assembly but sanctified by the presence of the Bishops, was contemporaneous with, and in a measure productive of, a general congelation of religious zeal. The low level of the bathos of the later part of the eighteenth century is well-known. Living persons have heard of it in their youth from those who witnessed its cold alienation, which indeed descended in avalanches, as it remained in snowfields in our days.

But there was some reason to account for this coldness, which, extensively and injuriously as it prevailed, was not so real as it seemed to be. It was a revulsion from Puritan excess, and was in a measure dictated by a horror of hypocritical pretence. There flourished in secret a deep Catholic piety, of which in that century, Wilson, Nelson, Sherlock, Berkeley, Butler, Horne, Jones of Nayland, and others presented specimens. During the earlier part of the period the coldness characteristic of the century was found especially outside the pale. The total number of Dissenters sank to about a hundred and ten thousand.[1] There was enthusiasm within but it was sternly repressed. Promotion was given only to such men as were not too energetic. The early promise in the opening of the century died away.

A partial remedy arose from within the Church.

[1] Canon Curteis' Bampton Lectures, 91. Quoting Skeat's *History of the Free Churches*, 319. In the province of Canterbury, 93,151; and in that of York, 15,525; total 108,676.

In the absence of organization, there was room for voluntary zeal. It was the birthtime of the modern Societies. Besides the Christian Knowledge Society, founded in 1698, and the Propagation Society in 1701, Wesleyanism, which began inside the Church, and which its founder desired for ever to retain within her communion, took its origin upon the principles which naturally lead to the formation of Societies.[1] Most unfortunately, the Church was too cold for the abode of so impulsive a set of people, and in the absence of a vent for collective wisdom, and of the free discussion in General Councils, her leaders were not strong enough or far-seeing enough to retain the reins in their hands, which the Wesleys at first placed there.[2]

There was also another and a most important cause, why the Church in England did not make efforts to rise from her prostrate condition. The horrors of the civil contest through which the people of England had gone, had impressed themselves deep on the heart of the Nation. The recollection that the Prayer-book had been the subject of more than a hundred years of controversy, before it had been reduced to its present form; the traditions of persecutions and death, of embittered discussions, of fields strewed with the slain in an intestine feud; the experience of revolution and disputed succession;—made people shudder at the idea of reopening questions, which might if mooted leave a vent for fires

[1] Canon Curteis, Lect. VII.

[2] John Wesley at first sought the advice of Bishop Gibson and Archbishop Potter.

that were even yet smouldering beneath, or might re-kindle still burning embers.

So it happened, and happened naturally, that most persons were not sorry to see the door to controversy firmly closed. They welcomed and clung to the idea that the Prayer-book contained all that the Church in this land wanted. And they scouted anyone as a dangerous character, who seemed to disturb the quiet that was so grateful after so many years of turmoil. They laid stress in their Bishops and Clergy, chiefly upon the mildness betokening charity of feeling and judgment, the calmness that would allay angry passions, and the sagacious skill that would keep the ship ever in still and peaceful waters. The ideal of the clerical life was sketched in the words of a poet of the time :—

> And as a bird each fond endearment tries
> To tempt its new-fledg'd offspring to the skies,
> He tried each art, reprov'd each dull delay,
> Allur'd to brighter worlds, and led the way.

This character, which is not without a striking beauty of its own, has in part remained in our own day. And with it a sentiment of fear, in the Laity at least as much as amongst the Clergy, mingled with a deep attachment grounded upon precious memories and habitual use, which have shed a halo of sanctity over the pages of the Prayer-book. So deeply rooted and so firmly established is this feeling, that when in 1874, a strong desire was entertained to alter some of the Rubrics, so that they might admit of perfect obedience from Clergy and

Laity, the virtual answer from both orders was given as unswervingly as from the Barons of old, 'NOLUMUS LIBRUM PRECUM PUBLICARUM MUTARI.'[1]

Legislation then came almost to a stand-still, after the settlement in the reign of Charles II. And the dulness of the succeeding period crept on equally with the increase of State-Control. Whatever changes were effected in the eighteenth century, such as about Banns of Marriage, a half-secular matter, or regulations concerning patronage or the Clergy generally, were made by the State. And indeed this has been eminently the case in the present century, as when the old Diocese of Bristol was broken up in 1836, and the Dioceses of Ripon and Manchester were constituted. Until the Convocations again met, and gradually acquired confidence, if anything was to be done, it was effected by Parliament, the concurrence of the Bishops and the fiat of the Sovereign being supposed to be all that was necessary to bind the Church as a consenting party.

The still further imperialization, if it may be so termed, of Parliament was effected, first in the Union with Ireland in 1800, next through the Test and Corporation Acts of 1828, and in the admission of Roman Catholics to Parliament in 1829, then by the admission of Jews in 1858, and lastly by the final removal of Tests in 1871.

Indeed, the change in the relation borne by the

[1] This passage, which was written before the discussions of last summer about the advocated change in the Ornaments Rubric, is now receiving frequent illustrations on all sides.

Church to the State during the period now under review, and especially in the second and third quarters of the nineteenth century, is evidenced by the following particulars; which, whatever opinion may be held about them, and this is not the place for enquiring into the justice or policy of them, prove without a shadow of doubt, that the Church has drifted or been moved into a position extremely different from that which she occupied in the time of the later Stuarts.

1. The alteration in the Constitution of England in this respect was first made in the loss of a Lay Council by the imperialization of Parliament, which is placed now beyond dispute, as that Body contains Scotch members, Irish members, and Nonconformists of any kind of opinion upon religious matters. The closing of the Convocations will not come into the list, because those Bodies now meet again.

2. But we may reckon the Test and Corporation Acts, because the removal of the Sacramental Test opened numerous offices to others than members of the English Church.

3. And the entire removal of Tests in 1871.

4. The opening of the Universities to Dissenters in 1855.

5. The opening of Colleges to Dissenters in 1871.

6. The entire opening of Grammar Schools to Dissenters in 1869.

7. The abolition of the Court of Delegates in 1833, and the transfer of appeals to the Judicial Committee. Both these were State Courts, but the changes (*a*) in-

volved the abolition of the Commission of Review,[1] which took away the capacity of correcting mistaken judgments, and (*b*) converted practically, as shown in the Purchas and Tooth cases, the Appeal Court into a Court of Record with ability to inflict fines or imprisonment. For although this punitive authority is exercised directly by the Court of Chancery, yet inasmuch as the pronouncing and enforcement of sentences is no longer left to the Church, so much power is taken away from her, and so much more power accrues to the State.[2]

8. The removal of Bishops from the Court of Appeal in 1876, and converting them into Assessors without any vote.

9. The abolition of Church-rates in 1868.

10. The voluntary construction of cemeteries, where people can be buried without the rites of the Church.

11. The removal of the probate of wills, and of divorce causes, from the Church in 1857.

12. The introduction of State Registration of Births, Deaths, and Marriages.

13. The legalization of marriage before a Registrar in 1836.

14. The introduction of the Conscience clause into Schools aided by the State.

15. The exclusion of exclusively denominational teaching in Board Schools.

[1] Blackstone, iii. 67. Above, p. 142.

[2] It must be borne in mind, that a great deal of the power exercised by the Sovereign as Head of the Laity is now wielded by the ministry, who are mainly the representatives of the majority in Parliament.

16. The cessation of Queen's letters.

17. The cessation of the practice of appointing general Fast-days.

18. The abrogation of Parliamentary grants.

19. The disestablishment of Colonial Churches hitherto aided by the State.

20. The institution of Chaplains for the Army who are not of the Church of England.

21. The permission to Roman Catholic Prelates to assume territorial titles in Great Britain, granted in the repeal of the Papal Aggression Act.

22. The assignment of the relief of the needy poor to Boards of Guardians under a State Department, instead of their being relieved by the Church Vestry in each Parish under the presidency of the Incumbent.

23. The Commutation of Tithes in 1836, made solely by the State, by which the religious principle, upon which the Church receives from her children according as God has blessed them, was seriously obscured.

24. The appointment of State-Holidays, irrespectively of the Church's previous habit of overseeing such recreations.

25. The increase of Dissent from about two-and-a-half per cent. to about twenty-eight per cent. of the population of England and Wales.[1]

26. The passing of the Clergy Relief Bill in 1862, which removed the State enforcement of the Church's principle of the indelibility of Holy Orders.

27. Of the Private Ministers' Bill in 1863, providing

[1] See Appendix II.

for the religious treatment of prisoners who are not members of the Church of England.

28. A general though imperceptible encroachment of the Law Courts, by which the exercise of jurisdiction has passed in a measure out of the control of the Bishops into the hands of State Judges.

These items, although some are of small importance, yet in the aggregate form a heavy weight in the balance. What gain accruing to the Church, as against the influence of the State can be placed in the other scale?

If I am not mistaken, literally nothing, except that the meetings of the Convocations having been restored, and those Bodies having by learning and moderation attracted a large amount of respect and confidence, and the nation at large having come to some knowledge of the truth that they are part of the Ancient Constitution of the Realm, important questions touching the Church have first, as in 1874, been submitted to the two Assemblies of Canterbury and York. But Parliament has not scrupled, after this act of courtesy, to alter the proposed measure over the heads of these consultees, and no validity in law has been assigned to any mere recommendation or concurrence of the Spiritualty.

So that it is abundantly clear that the acting Constitution of the Church at the present day is very different from what it was in any of the other five periods which have passed under review. There was nothing like it in the Universal Church, in the days of Constantine or of his successors. Not only did no Emperor manage the Church by a mixed Commission, but the supereminence

of purely State Assemblies was never admitted, advocated, or even imagined. There is no parallel in the working of the Constitution in English times before the the Conquest. For spiritual concerns were then supposed to be the especial care of the Spiritualty. Magna Charta, and the periods of the Edwards and their immediate successors, teach also a lesson which is far from being followed now. And if the Tudor and Stuart kings did set an example of despotism in Church matters, it is precisely in this respect, as we learn from their temporal absolutism, that we should set no store by their example. While the close of that period marks a height, from which the descent has been extraordinary and striking.

Is it then wonderful, that a great deal of dissatisfaction should be diffused amongst earnest Churchmen, that the minds of the more unstable should be shaken from their foundation, that remedies of a drastic nature should be proposed, that there should be frequent bewilderment as the vessel lurches men know not why, that numberless expedients promise no real relief, and that the assurance of men who blandly say that no variation at all is needed in the course or in the rigging is received with disregard by those, who see that antiquated glasses are being employed to discern the signs in the sky? If we have read history aright, some important remedy is absolutely essential to the future well-being of the Church. But what is it to be? Here is scope for the ablest statesmanship: here is room for that wisdom, moderation, soundness, and true comprehensiveness, in which the Church has often set an example to the World.

CHAPTER XII.

GENERAL REMEDIES FOR PRESENT DIFFICULTIES.

THE wide-spread dissatisfaction now prevailing removes the necessity of proving that there are serious difficulties involved in the present operation of the Church of England, which demand some effectual remedy. The frequent discussions in the Convocations, Diocesan Synods and Conferences, and at Church Congresses, show that influential and moderate Churchmen of all grades, clerical and lay, are seriously disquieted. At the same time earnest people amongst us are looking for and promoting Disestablishment as a cure for our disorders. And the Liberation Society, taking advantage of our supposed weakness, is spending annually some sixteen thousand pounds, in the hope of removing at an early date all State control from the Church of England. If the confident predictions of Disestablishment are not now heard on all sides with the dogmatism and frequency with which they were uttered a few years ago, yet our unsafe position ought without doubt to lead us to set our house in order with a view to coming struggles.

Three chief remedies have been proposed.

I. DISESTABLISHMENT, the first as being urged the

most loudly and persistently, is indeed still regarded by many, whether from hope or fear, as certainly looming in the distance.

II. The second, INCREASED STATE-CONTROL, is advocated virtually, rather than under an express name, and in distinct features and lineaments. And inasmuch as those who are set against any reform are really, if unconsciously, in the present maimed state of the Church's constitution, maintaining the inclined plane towards a tightening of the firm hold of the State upon the Church,—

> Sic omnia fatis
> In pejus ruere, ac retro sublapsa referri,—[1]

therefore such persons, from the inevitable tendency of their policy, must be included amongst the vindicators of this, the second Remedy for our ailments.

III. ADJUSTMENT, the third, has made itself heard only in the last two or three years. To guard it from abuse, and to bring out into relief the strong caution as well as the profound effectiveness which are therein involved, it should be termed CONSTITUTIONAL ADJUSTMENT.

In order to arrive at the true and best solution of our difficulties, each of these remedies should be fairly and candidly considered.

But before entering upon the discussion of them, two remarks are necessary.

[1] Virg. *Georg.* i. 199:

> 'Lower and ever lower still,
> And backward,—such the course of ill.'

1. First, it should be borne in mind, that there are three parts in the administration of the Church upon which Reform is earnestly demanded, viz., her Representative Action, Judiciary, and Patronage including the appointment of Bishops. With reference to the first, the Convocations have their draft Bill for easing their own action in the carriage of their measures into law. Many people are also endeavouring to improve the representation of the Clergy in the Southern Convocation; others wish still further to enlarge it throughout the National Church. Another party insists strongly upon Lay representation.

As to the Courts of Law, although the complaints are numerous, yet no one proposal, out of several that have been made, seems to command wide acceptance. And as to the difficult question of Patronage of Livings, no one as yet, even including the Commissioners who have lately made their able report, seems to see his way clearly through the difficulty. But with reference to the appointment of Bishops, a wish widely felt is that the *congé d'élire* should be made real and effective, whilst others are anxious to sweep it away entirely.

2. Secondly, it is evident that in seeking for our Remedy we should bear in mind the lessons of history, as suggested by the facts already recorded. A detailed examination of them here would be tedious: but a brief summary is perhaps necessary.

(1.) The history of England tells us how Church and State have been in their growth, development, and co-existence, intermingled with one another. The State

itself was modelled upon the Church; the Witenagemot and Parliament were imitations of Ecclesiastical Synods; the Church was the champion of popular rights; the two grew up side by side. 'Broadly and deeply planted in the land,'[1] says our leading statesman, 'mixed up with all our manners and customs, one of the main guarantees of our local government, and therefore one of the prime securities of our common liberties, the Church of England is part of our history, part of our life, part of England itself.'[1]

(2.) Again, the Church is independent in origin and life. A Branch of the Catholic Church, She owes not her being to the State. She existed first of the two; She was never overridden in the early period before the Conquest. She was in the forefront of Constitutional life after the changes then introduced. Through various struggles she won the Charter of her liberty in the opening of the title-deeds of the liberties of the English people. Her Provincial assemblies were placed on a par with the assemblies of her younger sister, though her National or General Synod has fallen into disuse. Subjugated by the Papal Power, she was afterwards oppressed by the despotism of the Tudor and Stuart monarchs. Recovering for a while, she was again kept down, partly by the force of events, and the exuberance of life in the State; and now remains almost the only body, or order of men, that has not won freedom in these free and reforming days.

(3.) The development of the separate germs of Church

[1] *Present Position of the Church*, p. 18. By the Earl of Beaconsfield.

and State out of their amalgamation in Anglo-Saxon times, has, as is clear, not yet been accomplished. The first step was made by William the Conqueror, when he separated the two sets of Assemblies. Edward I. reached another stage in advance when he regulated the concurrent meetings of the Convocations and the Parliaments, the Three Estates of the Realm. The want of co-operation between Canterbury and York, arising from the original defect of a duplicate organization, rendered unity in action possible only through a Papal Legate. The Papal usurpation paved the way for a method of management by Commissions appointed by the throne, which are according to no Ecclesiastical precedent. The great achievement of liberty now in store for this, or the next generation, is such an emancipation of the Church, as shall infringe no rights of the Sovereign or the Realm, but shall be a legitimate development, according to the Church's old Constitution, of the progressive acts of the Conqueror, of the patriots at Runnymede, and of the first and greatest of the Edwards.

(4.) The position and rights of the Clergy, as the declarers and maintainers of Doctrine, the ordainers of Ritual, the initiators of Canons of Discipline, and as possessing a voice in the appointments of their order, are also made evident. The abnormal emptying of the *congé d'élire* of all efficacy, whilst the outward form is preserved, is virtually a witness in the same direction as the strong enactment of the Great Charter.

(5.) It is also plain that the Church does not consist solely of the Clergy, and that the Laity would not be

properly excluded from all share in the administration of her affairs.

(6.) And that the abeyance of Lay action has led to more power being retained in the hands of the Sovereign, or rather at the present day in great measure in the hands of the State Advisers of the Sovereign.

(7.) The Church has been overridden of late years from certain causes, amongst which has been the rapid development of the State by union with Scotland and Ireland; and by various measures of liberty, without any corresponding relaxation of the bands which have bound Church and State together.

(8.) Lastly, a study of the Constitutional History of the English nation, and an examination into the origin, growth, and life of both Church and State, render it impossible to assent to any alteration of the relations between the two which is not in the strictest sense constitutional. The cases of Scotland and Ireland, where the two bodies have not been brought up together from early childhood and lived all their lives in loving intimacy, are widely different. Any change in England ought to be made only in accordance with the verdict of the centuries of her past life. No hasty or sweeping measures, which a bitter subsequent experience might prove to be charged with evil to either Church or State; no clumsy expedients of awkward workmen; no partial or faulty calculation of the numerous forces at work amongst us, would satisfy the keen yet delicate necessities of this involved question.

CHAPTER XIII.

DISESTABLISHMENT.

DISESTABLISHMENT may be seen in operation in Switzerland and Holland, in America, in Ireland, and in the Colonies.

As to the success with which it works, we learn different accounts. Those who favour disestablishment bring us from the United States descriptions with a certain amount of favourable colouring, like Mr. R. W. Dale's 'impressions' in the 'Nineteenth Century.'[1] Since the Church of Ireland was disestablished, there has been an increase of interest and intelligence in Church matters amongst a somewhat limited class. And as to the Colonies, it cannot be doubted that they have taught us here in England many important lessons. Nor can that memorable saying at the Croydon Congress of the Bishop of Grahamstown, himself formerly an English Clergyman, be forgotten, 'that having tasted of the advantages of freedom, he had rather resign his ministry than again put his neck in the yoke of the Church as it exists in England.'[2]

[1] No. for October, 1878, pp. 713–734.
[2] Guardian Newspaper, Oct. 17, 1877.

But if we look at the instances before us, without entering into particulars for or against them, we cannot possibly say that any of them offer specimens which we should be anxious to copy. No one turns with this object to Switzerland. It would be new to find Holland thus presented to us, though there are more reasons why we should regard respectfully her religious attitude. Various accounts from Ireland, especially including the present, and still more the prospective lowering of the Clergy, and inevitable curtailments of parish work, are far from conveying a favourable impression. And the struggles of the Infant Churches in the Colonies, most of which are dependent in great measure upon the Church at home, make them, at least at present, very unsafe examples for a country to follow, which has a long and glorious past, and where the Church as established has been intertwined both with the growth of institutions and with the marvellous greatness of the country.

Disestablishment is urged by two classes of people.

1. First there are the Political Dissenters, who wish to pull the Church down to the level of the Sects. If a long discussion of their principles and motives is not made here, it is because they differ from Churchmen too fundamentally for common ground to be discovered at this stage of the argument. For they deny, not only the Divine nature of the Church, but also its very existence as separate from the State. They therefore claim all the property of the Church as being a public possession, and would divide it amongst the people. And not only the general property, which has been in

the hands of the Church for more than a thousand years, but the Churches also which are hallowed by centuries of devotion, which were built by Churchmen and for Churchmen, and which have been repaired and beautified at an outlay of millions[1] of money by the Churchmen of the present day.

Can this be considered to be anything else than abominable spoliation and robbery? There is not a word said about throwing all buildings into the scramble, Dissenting as well as Ecclesiastical. Then indeed the stakes would be shamefully uneven, but there would be a show of principle. But how men of any degree of fairness can palliate such plunder, which on the face of it is coarse robbery and rapine, must remain a mystery to all who are not acquainted with the power exercised by prejudice in blinding the moral and intellectual vision.

But it is said, that the Church of England is only a Parliament Church. The utter groundlessness and futility of this charge has been already demonstrated. If Parliament does dominate the Church more than it ought, that does not prove that the Church has no separate existence. Even slavery does not annihilate the slave. And so clever a writer as Mr. Frederic Harrison, in endeavouring to bolster up this plea, is obliged to shut his eyes determinedly to all that occurred before the sixteenth century, and to refuse to listen to the history of one whom he himself calls 'the most historical of

[1] See Appendix III., Lord Hampton's and Mr. Beresford Hope's Returns.

historians.'[1] Just as if he were to fix the commencement of Lord Beaconsfield's life some twenty years ago, and then were resolutely to decline to pay any attention whatever to anything that that eminent Statesman said or did before that date, in a general estimate of his career.

Such is the shameful and insulting treatment to which Churchmen are now exposed, both at present and in prospect, under the pretext of liberal principles. Their property is demanded, and no attention is paid to their own account of themselves, or to the stubborn facts of history which they adduce. How do these Political Dissenters, who wish to drag the Church down to their own level, and to appropriate some or all of her possessions, differ in principle from the potentate that they would be the first to blame, who, urged simply by the greed of conquest and the lust of wealth, marches into his neighbour's country, and seizes land and dominion which do not belong to him?

2. The second class of the favourers of Disestablishment are those who conscientiously object to the State exercising what they believe to be spiritual control. That this opinion is widely entertained, and indeed by various people whose opinions are generally far apart, makes it a most formidable difficulty.

First, there are the conscientious Dissenters, who realize the great difference that subsists between spiritual and political concerns. Next are the Roman Catholics, who exaggerate the control exercised by the State.

[1] Mr. Freeman. *Church and State*, a Lecture, by Frederic Harrison, M.A., pp. 22–24.

And lastly, certain Churchmen of various schools of thought echo the same opinion.

Thus Mr. Frederic Harrison writes a lecture on the text, 'No Official Religions.'[1] 'A State Church,' he says, 'by the conditions of human society, has insincerity for the marrow of its bones, and self-assertion for the breath of its nostrils.'[2] 'Spiritual enlightenment is impossible without spiritual freedom, and unity in faith ever vanishes into space before the hide-bound and strident formulas of Acts of Parliament.'[3]

Again, Mr. Mackonochie, as has been already seen, is led by his horror at what he considers to be the interference of the State in spiritual concerns into unconscious and unintended heresy.[4] Taking his own standpoint in the Church alone, and looking upon the worldly dislike of Christian doctrine and of earnest zeal, which he fancies is represented by the State, and regarding the secular legislation and the destruction, as he considers it, of spiritual jurisdiction, he objects to what he seems to think is an unholy alliance between the two.

Archdeacon Denison's view, from the much greater moderation with which it was expounded, was even more remarkable. He set out, as it appears, from something like the theory held by Hooker of the two bodies being absolutely conterminous. Finding that the feeling of the time will not allow this theory to be carried out in action, but that on the contrary, the Church has during the last fifty years been driven from point after point

[1] *Church and State*, p. 9.
[2] *Id.* p. 13.
[3] *Id.* p. 20.
[4] Above, p. 19.

which she formerly occupied; convinced that 'the corporate life of the Church of England 'has been overcome by the life of the World of England' and that 'Indifferentism is the principle of the World:' concluding from experience that the Establishment of the Church paves the way under present circumstances for the victory of Indifferentism, and that the Establishment itself is only a title to be robbed; he inferred that to save 'the Faith, and the Worship, and the Discipline of the Church' which 'are the trust of Church people,' the Church must be disestablished. He did not deny, that if Church people had the control of the State, Establishment might be very advantageous. But till lately he despaired of any other solution.[1]

We may thus, under another method of classification, arrange the advocates of Disestablishment in three orders:—

1. Those who urge it out of hostility to the Church. Such people must be evidently met with that mixture of uncompromising opposition, plain statement of truth, and withal Christian charity, accompanied with large-minded explanation and expostulation, as may defeat them, and if possible by God's grace, convince them.

2. Those who do not realize the Divine mission of the Church of England, and not being acquainted with the true facts of the history of the Universal Church and of the Branch at home, regard Her as merely a Christian

[1] *Notes of my Life.* By George Anthony Denison, M.A., Archdeacon of Taunton, and Vicar of East Brent. Archdeacon Denison has recently, as is well-known, been induced by hopeful symptoms in the Church to alter his opinion.

sect, and yet entertain a strong objection to 'Official' interference in a spiritual sphere. The root-error, or Πρῶτον Ψεῦδος, here is evident. All efforts, both in a persevering elucidation of the facts of history and of the truth of Doctrine, and in raising practically the religious life of the Church, should be employed, in order to eradicate it.

3. Those who thoroughly understand the Divine office of the Church, but are deeply discouraged and vexed by the strong exercise of State-control now prevailing. If the facts have been correctly represented, there is no lack of causes of discouragement. But these causes have been themselves produced in great measure by the drift of events. Is it not possible to cure the disease by some measure short of Disestablishment? At all events, if the Church can be otherwise set free, we can hardly suppose that the majority of such earnest and deeply attached Churchmen will still demand the sweeping measure and the violent remedy.

But what would be the effects of Disestablishment? It requires examination before being summarily set aside.

What advantages would it bring?

There would be freedom[1] from the control of the State. The Church could adapt herself to the needs of the time.

Settlements of Doctrine, and of modes of worship,

[1] Too much must not be made of this. See *The Englishman's Brief on behalf of his National Church*, W. Wells Gardner, London, 1879, where it is shown that even Nonconformists are subject to the law, and are in a considerable degree 'established.'

and of discipline, could be made without any permission or intervention of the State; elections to offices could be regulated at the will of the Church. If the number of members were lessened, as is probable, there would be more zeal, as well as more responsibility for personal effort, in those who remained. The Bishops would take an exclusively spiritual view of their position and duties, having little temptation to look to temporal lordship or secular influence. The spiritual character of the Church would be practically raised.

Such I believe is all the advantage that could be fairly claimed. Everything could be included under some one of these items. But even here there is some amount of exaggeration.

The State would still control the Church so far that an appeal would lie to the State Courts, as much as in the case of any voluntary or benefit society. The laws of the country could not be infringed, as is shown by the limits placed upon the monastic and conventual houses of the Roman Catholics in England. And the increase of liberty would not be so certain a result as is supposed. The Clergy would probably have much less independence. They would be obliged to consult the tastes and whims of the leading Laymen in their parishes much more than at present. What is well-known as the Deacon difficulty amongst Dissenters, would rise up, if in a new dress, yet with none the more gracefulness.

Mutato nomine de te
Fabula narratur.

Transform the name, howe'er you will,
The nuisance you will find there still.

The verdict of those many Clergymen who have had experience as Dissenting Ministers, would be given without hesitation in favour of the superior freedom of the Clergy under the Establishment.

And is it so certain that there would be an advance in spirituality? Granting that in some respects the Establishment, in the exaggerated intensity into which it has drifted, does injure the spiritual character of the Church, yet even whilst State-bonds have been so far augmented, has not spirituality also grown? Will not the Church of England compare favourably with any disestablished or non-established body? Do not, as a matter of fact, converts return to Her from the Roman Communion, and join Her from Dissenting bodies, because they find more spirituality within her borders? In what country at the present moment can we find an ideal? Are not the advantages recounted somewhere in the clouds, and do they not prove coarser in appearance and quality when we get them down and handle them, than when we view them through the soft medium of the atmosphere, and with the sunlight and shade deftly regulated so as to display their finer features, and to conceal their defects?

The weights then, in the scale which we have now examined, are not nearly so heavy as they seemed to be at first sight. And what about those in the tray on the other side of the balance?

1. Can it be of no importance, that Disestablishment would make the State of England, *as a State*, not professedly Christian? The governing powers in England,

and their people with them, have for twelve hundred years outwardly and avowedly professed Christianity, and—whatever Establishment precisely means, which nobody knows—have each practically said, 'As for us and our people, we will serve the Lord, and keep the faith.' Can nations be so without a conscience as that such an apostasy may be harmless and safe? The Constitution, the liberties of England—unrivalled throughout the world—are as a matter of historical fact, built upon the organization of the Church. Can she without peril cast down what is verily the Lord's staircase, over which she has mounted up to her signal greatness? The public effect of a great nation casting off the profession of Religion would be most injurious to the cause of Christ all over the earth. For a chasm between the two would be far different, if the Church had never been in union with the State. Indeed, no other State in Europe probably owes so much in herself to the Church as England does. And for this reason. The civilization of the Church preceded that of the State, and was also the sole pattern after which the latter was accomplished. England would retrograde nearly thirteen centuries, and would, *as a State*, return in a measure to what she was, before the Saxon kingdoms became Christian.

But we must descend to particulars. What would be the several practical effects of a severance between Church and State?

(1). The necessity of the Sovereign being of the State religion would be removed.

(2). All restrictions as to the religion or the religious observances of the representatives of the Sovereign would be taken away. The Lord Chancellor, who as Keeper of the Royal Conscience must now be of the Church of England, need be no longer so. The Judges would not open the Assizes by attending Church.

(3). Religion would be dissociated from State ceremonial, except by special choice. The Coronation-Service would be abrogated. The daily worship with which the proceedings of both Houses of Parliament are commenced would be omitted. The national significance of such occasions as that when the Prince of Wales returned thanks, and the whole people virtually with him, at St. Paul's Cathedral for his recovery, would be lost and gone.

(4). The appointment of Clergymen of the Church as chaplains of the army, in gaols, in workhouses, and in other establishments supported by the State, would cease.

(5). By the retirement of the Bishops from the House of Lords, the sacred sanction given to that high Assembly would be removed, and so much prestige would be lost. At the same time, it may be doubted whether the Convocations would not gain more than Parliament would lose by this measure, though there seems to be no reason why, if the Church Assemblies were reinstated in their pristine authority, they should not gain all, while the House of Lords might lose nothing.

(6). The effect of the removal of the tribute now rendered by the State to the Religion of the Established

Church would be seen in a general lowering of Religion. In the first place, those who are purely 'States-men,' that is, those amongst the Laity, who are mainly led by the State, and by the various public influences which are gathered round the State, would become, as is probable, largely irreligious. No one accredited form of Religion would claim their attention, while the divisions amongst Christians would weaken their respect for it. The State is mainly the general public. It would be impossible for a dissolution of partnership to take place without an extensive withdrawal of individuals. A great number in the highest orders of society, who possibly are far from being ardent Churchmen, but nevertheless uphold religion, would sink, not only into absolute indifference, but into positive apostasy, more or less avowed, as in France and Italy, and America. And they would be followed by multitudes among the lower and middle classes. All through society 'there are infinite shades of character, filling up the wide space between the children of God and the children of Satan, without any broad line of discernible demarcation.'[1] Vast numbers of these, as the experience of other countries teaches us, would be lost to Religion.

(7). Endowments would go, except such a residuum as might be decided upon[2]; and with endowments, of course the Royal Patronage wheresoever exercised. For it is idle to hope that the people who disestablished the Church would let her go out with all her wealth in her

[1] Gladstone, *The State in its relations with the Church*, iii. § 18. p. 94.
[2] Appendix IV.

hands. Such is far from being any part of the plan of the Liberation Society. Even Mr. Mackonochie does not include it in his scheme. Every Disestablishmentarian has now given it up. But then three distinct effects of the poverty of the Church must be necessarily anticipated.

(8). First, the calibre and character of the Clergy would be lessened. No doubt zeal of an apostolic nature might at first, as Mr. Mackonochie suggests, make up for much. There is room for that now. The Incumbents are, I believe, the only class of men in the country, whose work has increased, and at the same time whose pay has decreased during the last fifty years. There is many an opening for apostolic simplicity of life amidst hard work in our cities, at the present day. But money means, not necessarily luxury, but certainly power and opportunity. And in the long run, necessary prudence would hinder, as indeed it does now hinder,—though after Disestablishment it would do so increasingly,—men of ability and character from entering the ranks of the ministry. Such is the lesson in Ireland. It is easy enough for a young man to get his 200*l.* a year. But beyond that, there is nothing to tempt able men. For indeed no necessity in life is more heart-breaking, than for a Parish-Priest to find work upon work that he might do, and abstractedly speaking ought to do, which the deficiency of his means hopelessly forbids him to execute.

(9). Next, the loss of endowments would lay a moral compulsion upon all Members of the Church, Lay

and Clerical, to put their hands into their pockets and contribute handsomely. The Landowner, whether Peer or Commoner, who saw the Church on or near his property not properly served, and the poor uncared for, would surely not sleep so calmly as he does now. Disestablishment means Disendowment; and Disendowment means large outlay from Churchmen with means, as well as a general outlay from rich and poor alike. In the same way, although vested interests would probably be nominally respected, the Rector or Vicar, with an endowment for his own life, could not refuse without moral loss to commute it for the permanent advantage of the Parish. The State would virtually break faith with him. For after letting him start in life upon a covenant of twelve centuries' prescription, it would desert him in mid-water, whence he could not row out without either a signal loss of covenanted income, or what would be more painful to him than all, a dripping character.

(10). Again, one of the glories of the Church of England is, that under her care, 'the poor have the Gospel preached to them.' There is a Clergyman in every Parish, who brings the ministrations of Religion within reach of every single soul, and what the Church always carries in her hand, the benefits of civilization, order, and refinement. What could equal the Parochial System, either for the blessings of Religion, or for the general advantages of society? Now Disestablishment would most grievously embarrass and hinder the successful operation of this system amongst us. Passing over the

wealthier parishes in wealthy towns, where much voluntary energy of a healthy character might be evoked, the poorer districts in our cities, and more than all, the smaller Parishes in the country, would lack in very great measure spiritual care. When so much has been done in the last half-century, why should the good work be thrown back? Why should Parishes be again lumped together, and 'served' by single Priests or Deacons? Why should indifference and neglect be left in native indolence? Yet such must be the case, if the means of supporting the Clergy are suddenly withdrawn.

(11). The Churches would probably not all remain in the hands of Churchmen. The published scheme of the Liberation society involves the following arrangements.

(*a*). 'Cathedrals, Abbeys, and other monumental buildings,' to be 'under national control,' and to be 'maintained for such uses as Parliament may from time to time determine.'

(*b*). 'Ancient Churches,' *i.e.* all existing at the passing of the first of the Church Building Acts in 1818, to be vested in a parochial board elected by the rate-payers, and sold or otherwise used as they may think fit.

(*c*). Churches built since that time by any one person, to be returned to him, if alive.

(*d*). Other Churches built since that time to belong to the existing congregations.

(*e*). Proprietary Churches to remain vested in the proprietor.[1]

[1] *Practical Suggestions relative to the Disestablishment and Disendowment of the Church of England.*—Society for the Liberation of Religion.

Unless,– what has been proved to be utterly false,— the Church of England is merely a Parliament Church, this plan evidently must involve atrocious robbery, or rather sacrilege. How can Churchmen join hands with such plunderers? Those fanes venerable with the encrusted majesty of ages, upon which millions[1] upon millions of money have been spent in our time, hallowed and inexpressibly dear in the eyes of Churchmen, the objects of tender, anxious, and self-denying solicitude, the scenes of self-sacrificing devotion, heart-searching repentance, life-swaying anxiety, joyful gratitude, and profuse charity; in which the very same rites and prayers, that have been celebrated there for three centuries, are still offered freely and without stint to all who may wish to participate in them;—are to be made, if the counsels of spoilers prevail, the common property of hostile sects; and if so ordered for the moment by the fickle breath of popular choice, are to be put up for sale under the hammer of the auctioneer. Such is the proposal which, with grave effrontery, is made under a flimsy veil of arrogated justice, and under the noble names of Christian equity and religion. Such is the scheme which ill-advised Churchmen aid and abet, under the delusive impression that they are thereby adding to the spirituality of the Church.

Such would be the ruthless change, such the tearing down of customs and observances, which have grown up intermingled with the life of the English people, and have very materially helped to make the nation what it

[1] Appendix III.

is.[1] Can we resist the obvious inference, that since under the Divine Blessing, we have thus reached our pitch of extraordinary prosperity, any such a Revolution in Religion as would make the State non-religious, would very probably entail the forfeiture of that inestimable blessing? For Disestablishment is not Reform, but Revolution. The essence of Reform is to develope the latent forces in the Body Politic, upon principles which have ever regulated the Constitution. Revolution is the introduction of new principles. But what principle is more deeply impressed upon the political career of England, from the times of Ethelbert, Theodore, Egbert, and Alfred, till the reign of Queen Victoria, than that the English Sovereigns and the English State have openly and consistently maintained that Church which was before brought under Christ into the country, which became the foundation of the liberties of the people in days of old, and which has continued in unbroken existence ever since?

But it is said, that the Church of England is no more the Church of the people, and this assertion is grounded upon the Report on 'Religious Worship,' which was issued without authority in 1851. In the words of Mr. Bright, 'Half the population of England and Wales are Nonconformists, and these people are of

[1] 'The Church of England has not only been a part of the history of this country, but a part so vital, entering so profoundly into the entire life and action of the country, that the severing of the two would leave nothing behind but a bleeding and lacerated mass. Take the Church of England out of the history of England, and the history of England becomes a chaos without order, without life, and without meaning.'—Right Hon. W. E. GLADSTONE, M.P., 1873.

opinion that an injustice is upheld by Parliament as long as the measure of Disestablishment is refused.' Is this so?

It will be remembered that the Report made up by Mr. Horace Mann, in 1851, was proved to be a one-sided record. Nonconformists were up and stirring, whilst Churchmen underrated the occasion, and in many cases made no return. At the time of the census in 1861, and again in 1871, Churchmen demanded a fair estimate. But in deference to the wish of Dissenters, this was refused. What then do we find? When the Dissenters were first in the field, they were ready and anxious: but when Churchmen are ready, they decline. This may be policy, but it is hard to discover in it fairness and straightforwardness of dealing.

But besides this, returns where there may be a motive at work must be hardly trustworthy. They are apt to afford in that case an instance of figures being more misleading than facts. And recent returns from some Dissenting quarters cause misgiving and mistrust. When the Royal Amphitheatre in Holborn, the Great Hall of the Freemasons' Tavern, the Agricultural Hall at Islington, Railway Arches, rooms in private houses, lofts and barns, and numerous other such like places, are returned as Dissenting Chapels, containing so many sittings,[1] how can we make such

[1] '*Nonconformist Chapels:*' *What are they? Half-hours with the Registrar-General, disclosing extraordinary Facts and Figures illustrative of the utterly misleading character of Nonconformist Statistics respecting them.* By 'Investigator.' London: P. S. King, King St., Westminster. 1879. This little pamphlet contains strange disclosures well worthy of the conideration of all who would trace statistics to their sources.

reports the groundwork of any trustworthy calculations? Can we then find any undesigned results which could not be tampered with, and which would afford a firm resting-place for our feet?

Now the official returns of children attending Church Schools, and schools other than Church Schools, in 1870, of burials in consecrated and unconsecrated portions of public cemeteries, of Marriages solemnized respectively in Churches and in the registrar's office, of the religious profession of men in the army and in the navy, and of the inmates of Union Workhouses, result in showing that, about three-fourths of the population of England and Wales are adherents of the National Church.[1]

But besides this, there are reasons for concluding that the Church is gaining ground every year. There is a very remarkable stream of conversions of Dissenting Ministers, who become ordained as English clergymen. And we hear that the tendency of feeling amongst the younger ones is set strongly in the direction of the National Church. And no wonder. On the one hand, the increase of spiritual life amongst us must prove a strong attraction, especially when nothing like it can be found in Dissent; and on the other, the advance of trustworthy information proves that the Church has been the victim of much misconception, and that she rests firm upon her Lord and Head, as a true and living Branch of that One Church, which was once for all built upon that One Foundation.

[1] Appendix II.

The revolution, then, wrought by Disestablishment would take away all profession of Christianity from the State, would utterly change the current in this respect of more than twelve centuries of political life, and would do this under the pressure of a defection which is vastly exaggerated, which is gradually lessening, and may therefore prove to be only a temporary separation from the Church.

2. But besides being the parent of so much evil already recounted, Disestablishment is viciously bad in principle.

First, inasmuch as the State would surrender the recognition of the original Church of this Realm as the one proper Church of the people, and the maintainer of the 'One Faith,'[1] it would set its seal to the principle, or rather the absence of principle, implied in Sectarianism. According to the returns of the Registrar-General, there were last year 164 sects, in England and Wales, involving about a normal increase of seven from the year before. In disestablishing the Church, the State would profess her preference of confusion to Unity, of disorder to method, of anarchy to authority, of doubt to assurance, of scepticism to Faith. How can this be consonant with the principles of good government? How can this be agreeable, except during the momentary spasms of a faithless despair, to those who have the faith and the intelligence to realize the transcendent advantages of Unity in belief and life?

Disestablishment is obviously destructive in its very

[1] Holy Scripture, Eph. iv. 5.

nature,—destructive of national belief, destructive of unity, destructive of the continuity of constitutional religion, destructive of public endowments, and would probably be destructive also of what at the very least are national monuments.

It would most likely injure also Dissent. Such is the opinion of numerous Dissenters. If room were made, as is probable, where the Church was obliged to contract her operations, yet the certain increase of irreligion would damp Nonconformist efforts. They owe more to the zeal evoked by the Church, whether through imitation, or from the effects of rivalry or opposition, than many of them are apt to acknowledge. Though here not a few amongst them have given their generous witness. The various Nonconformist Bodies cluster round the Church, and are profoundly affected by influences which agitate her.

Again, inasmuch as by the proposed plan the edifices of Churches would not be left wholly in the hands of the Church,—such amongst other things is the deep significance of the burial controversy,[1]—religious animosities would be seriously roughened and sharpened. A deeply-rooted source of irritation would be left in the hearts of the large majority of church-people.

[1] 'Other demands—as the right of burial in the parish churchyards—have yet to be decided. They are only named as proofs of the gradual but unbroken progress of the movement towards religious equality. They are the proposals for that last and greatest achievement—for which the approaching educational struggle is probably destined to supply the methods and precedents - the Disestablishment of the Church, and the giving to the churches of every faith and order an equal standing before the law of the land.'—Parkinson *On State Churches*, p. 247. Longmans, 1874.

Questions would constantly arise, about the use of the buildings now made common. Rights would clash. The aggressive party would not be satisfied without further aggression. The despoiled party would be angrily sensitive about making further concessions. True policy keeps those apart who are likely to disagree. Here such people would be shut up together, as if to provoke mutual animosity.

So again, the way would be open for more and bitterer controversies within the Church. One of the chief advantages of the Establishment is that steadiness is thereby imparted to the Church. It is so difficult to make changes that very few are made; and in consequence such as would be prejudicial are kept off. But the removal of this control would at the outset expose the Church to a most dangerous flood of polemical discussion. One was almost tempted to compare the debates of the Irish Synod to a horse just turned into a field after being in the stable for the winter. Questions of all sorts would at first crop up. Doubts would be engendered. The Church would be committed to the tossings of an unknown ocean. Doubtless the Heavenly Pilot would navigate her safely in some mysterious way, and she would in course of time ride safely amidst the fury of the storm. But what loss would be first incurred no one can definitely anticipate.

The experiment upon the Irish Church naturally rises to our recollection in such an examination as this. But it must be borne in mind that the two cases differ in many important points. Irish Churchmen consti-

tuted a small minority of the nation: English Church-people are a large majority. The Irish Church could not, from the fact of the Conquest, be intertwined with the growth of the Constitution, and with the history and development of the people, in the remarkable way in which the English Church has been. Considering the elements of the majority of votes which would carry a measure of Disestablishment in Parliament, it is not too much to say that the passing of such a measure would virtually be a conquest of England by the Scotch and Irish, aided, as many conquerors are, by traitors at home.

But here again, can we refrain from saying, what a monstrous wrong! What oppression of the mass of English people, under the name of Imperial policy and of so called liberality.

When all these strong objections are found to lie against the project of Disestablishment, is it not strange that it should be advocated by so many people that it is regarded as certain to take place at some time or other? We have seen that some of the grounds on which it rests are such as form strong human motives, but will not bear inspection. But there is one which comes round to us again and again, and which, if it is often exaggerated, has nevertheless some reason to justify it.

The course of English history, and especially the line which it has taken during this century, has proved that more freedom must be given to the Church, if the

Establishment is to continue. It is the despair of gaining spiritual freedom in any other way which has driven many people to support proposals for Disestablishment. This dissatisfaction is a stubborn fact, which refuses to be argued away. It is the chief fountain of the rivulet which wends its way Romewards. It keeps Nonconformists from joining our communion. It is the stock subject of argument against us upon both sides. This want of spiritual freedom then must be removed, if we would set at rest the burning question under consideration.

But here we are met with an objection of a totally different character. It is of no use, it is said, to let the Church govern herself; if so, she will get into more trouble. Let the strong hand of Law step in, and tighten the bonds of State-Control.

This is the second solution of the difficulty, and demands now our careful and candid attention.

CHAPTER XIV.

INCREASED STATE-CONTROL.

THE theory of the advocates of increased State-Control is that 'the Church of England is the nation in its relations with the invisible.'[1] Accordingly, 'Parliament which controls other national affairs, is complete master of the Church, and can, if the nation so wishes, make any change it likes in its doctrines and arrangements.'[2] For 'there is no reason why the national creed cannot be modified, when necessary, as easily as any other; it is merely the creed of the nation, and can be altered by the nation whenever it likes.'[3]

Hence it is urged, that there is no difficulty about reform. It must be effected just as the reform in the representation of the people in Parliament was accomplished. Before 1832, the House of Commons did not represent the people. In the same way, the Church now does not represent all, or any of, the Nonconformists. 'Will these Nonconformist Bodies come

[1] Mr. Thomas Hughes, speech at Croydon Congress. *The Church of the People.*

[2] Harwood on Disestablishment, p. 381.

[3] *Id.* p. 245.

back to the Church?' Scarcely anybody has the slightest hope of such a result as that. The Articles and Prayer-book must be altered, and a new framework for the Church must be provided. The Clergy can be managed. For 'even if all' of them 'simultaneously refused to submit to the State's conditions, the State would have to put fresh ones in their places—and the Church of England would continue.'[1]

These opinions, as expressed in this full-blown aspect, are not indigenous, but have been imported. Their home is Prussia, and their apostle in England was Baron Bunsen. His chief disciple was Dr. Arnold, and out of his followers again has been formed the school which thus appeals to us.[2]

There is an evident simplicity in them. All would be brought under the operation of the State machine. A Secretary of State for Religion, sitting in his central bureau, would regulate the administration of the Church; and all questions about Doctrine, Worship, Discipline, Finance, and the rest, would be decided by majorities in the Houses of Parliament. There could not possibly be a simpler proceeding, except indeed under a despotic autocrat.

But then its very simplicity would prove its ruin. Alter the terms of the Establishment so as to let in

[1] Harwood on Disestablishment p. 147.

[2] See a most valuable article in the *Contemporary Review* for February 1878, by the Rev. Canon Curteis on The Three 'Conflicting Theories in Church and State.' 'By the spread of Erastianism,' prophesied Baron Bunsen, '"Christ will *become* the State, as eighteen centuries ago He became man."'—*Life*, ii. 81.

Dissenters, 'Unitarians'—to call them so under protest[1]—Secularists, Agnostics, and others; and you drive out a vast portion of Churchmen, to say nothing of widening the gap on the side of Roman Catholics. People must not forget that majorities do not make right, any more than might does. They only produce acquiescence, and that in the same body politic, or within the same society. Hence arises the great difficulty in dealing with spiritual matters, because people feel that they have no right to acquiesce in wrong decisions upon revealed Truth; though they must refuse their acquiescence only in peace and patience. And here a further complication arises, because the field of spiritual matters is distinct from the field of politics.

It has been said that these opinions, which, though they go far beyond the saying of Erastus,[2] are in fact, Erastianism, come to us from Prussia. And the lessons taught us by Prussia in this respect have been unfolded. The Church of Prussia is both 'surrendered to the influence of the masses, and at the same time placed at the mercy of the State.'[3]

But besides this, the theory implies that the Church of England is a Parliament Church. That is to say, that the Church of England was founded by a Parliament which did not then exist. We have heard many things about the power of Parliament, that it can do everything in England. But this assertion 'out-Herod's Herod.'

[1] *History and Doctrines of Irvingism*, i. 4.
[2] Canon Curteis, *Contemporary Review*, 1878, p. 585.
[3] Canon Curteis: Gefficken, *Church and State*, ii. 405.

For it is advanced in sublime defiance of the following stubborn facts of history:—that the Church has existed in unbroken life from at least Augustine's time till now; that the Articles and the Book of Common-prayer were not made by Parliament; that the Church led the way to the Nation's liberties; that before all other concessions freedom was granted in Magna Charta to the Church; that the Assemblies of the Church were the models upon which Parliament was formed; that the oneness of the Church led to the unity of the Nation; and above all, that this Church, thus independent of the State in origin and life, is but a Branch of that One Catholic Church, which was founded once for all by our Lord from Heaven. In fact, to call the Church of England a Parliament Church, implying that it was founded by Parliament, is about as absurd as to assert that the Emperor Louis Napoleon was the father of his own uncle. If these words seem strong, they are nevertheless irrefragably true. And it is time that the absurdity and groundlessness of such assertions, which are exceedingly painful to Churchmen as conveying a gratuitous insult to what they hold very sacred, should be plainly shown and declared.

It is impossible then, in the face of all this mountain of argument, and in the teeth of the determined opposition which would be offered by Churchmen, clerical and lay, that this theory can ever be put into operation in the bare form under which it has thus been announced. But there are many persons who are not prepared to go to such lengths, yet who would make the Crown and Parliament the sole sources of all laws respecting the

Church, and who would look to a severe enforcement of such laws as the panacea now required.

They say, that it may be very well to let the Clergy talk, though there must not be too much of such vain disputation; but after all, when everything is to be done that the people wish, it must be effected by Parliament or the executive. It is much better to settle all questions, carry out all measures, make all appointments over the heads of the Clergy, than to let them do themselves and everybody else who listens to them infinite harm by interminable controversy. Parliament must be, under the Crown, the sole ruler of these Realms. Men of the world make better laws than religious people.

This position is maintained chiefly by Statesmen, who are, as may be expected, absorbed in considerations relating to our noble Constitution in matters concerning the country; also by Lawyers, who are occupied in promoting the efficiency of our Courts of Justice; and by those persons too, whose attention has not been specially directed to the history, position, and province of the Church.

We have seen in brief what can be advanced in favour of this Solution. But there are really overwhelming reasons against adopting it.

1. Such a course would be far from giving satisfaction to a large and, considering their powers of thought and learning, a very important class of people. Those who already think that the Church is overridden by the tyranny of the Body Politic, who smart under the action

of the Judicial Committee, who object to the compulsion of the *congé d'élire*, who resent any Parliamentary interference, could not possibly be satisfied by a tightening of the bonds which gall them so hard already. And again as to Dissenters outside the Church. How could such a policy conciliate those who now object to the Church, that her government is not spiritual enough? What force again would be added to the taunt of the Roman Catholic that ours is only a State Church? It is evident at all events that contentment amongst the subjects of the Crown could not be produced by a policy tending in the very opposite direction to the object of the desires of a very large minority, if not of a clear majority.

2. Besides this obvious objection, which addresses itself to considerations of prime consequence in true Statesmanship, such a policy would really tend in the direction of expunging, if it did not actually expunge, an integral Article from the Creed, What can be the meaning of 'the Holy Catholic Church,' if it is to be under the control of the State? Accordingly in Prussia, a serious question at present is, whether the Apostles' Creed is to be retained at all, or is rather to be regarded as an antiquated form of words, venerable only because it is obscured with the rust of antiquity. It is evident that a State-Church may adopt any opinions, Christian, Jewish, Mahometan, Infidel. If a Church is a true Church at all, a living branch of the one Holy Catholic Church which our Lord set up, it must be independent, except as owing allegiance to the entire Church of

Christendom. Can there be a Church which has no will of her own, no choice of action, no self-command, no freedom, bound in fetters and chains, a very slave? Are we come to this in the last quarter of the nineteenth century, that liberty is to be dealt generously all round, but that the Church, with her holy birth, with her separate spiritual province, endowed with 'the liberty wherewith Christ has made us free,'—She who ought to be the friend of the oppressed, and the patroness of the slave, is herself to be debarred from deciding upon her own Doctrine, Worship, and Discipline, and otherwise regulating her own house? How the advocates of such a policy can solemnly profess that they believe in 'the Holy Catholic Church,' without using the words in a non-natural sense, or emptying them of their obvious meaning, or treating them as mere jingling sounds, must remain a mystery to those, who from Holy Scripture and the Church's own teaching have learned what they indubitably mean.

3. Besides this, the tightening of State Control must, as has already been shown, from the nature of the case, tend to snuff out spiritual life and energy. The State is of course, and must be, of the world, worldly; which is exactly what the Church ought not to be, if she is to fulfil her mission, and impart the blessings which she is charged to convey. Administration by the State must stiffen and harden the Church. The sacred deposit of doctrine could not be adequately valued by those who were not burdened with the responsibility of guarding it. What period of the career of the English Church has

been the coldest and dullest? Plainly the eighteenth century, when the Church was mainly managed by Whig politicians, who stifled her constitutional action, and under whose advice hardly any were appointed Bishops except such men as were latitudinarian in Doctrine, and valued the habits of the world above those of Apostolic life. 'Those bees which make the most wax are said to make the least honey.' The stronger and coarser ways of the world do not minister directly to the most precious characteristic of the Church, which is spirituality of life.

4. The calibre of the Clergy would be inevitably lowered. Slavery is apt to produce a slavish spirit; oppression fosters mean habits; freedom and confidence encourage an elevated nature; and high duty and lofty responsibility develope nobleness of life. According to the manifestations of the law thus described, in proportion as the Clergy are vested with responsible power,—of course so as not to trench upon the rights of any one else, but simply for public ends,—they will be raised as a body: and just as they are lowered so as to become State officials, executing in spiritual matters the orders of temporal masters, they must decline in strength and efficiency. The effect of this rule would be seen both amongst those who are at present in the Ministry, and as operating upon the character of future recruits. Scope for talent, openings for winning promotion by sheer merit, the corporate independence of their order, would attract a high class of candidates. If they are to be beaten down, or restricted, or methodized, or, as they

would think, 'cribbed, cabined, and confined,' by the regulations and principles of an alien rule, talent and self-reliance and enterprise would be scared away; and more than all, high spiritual earnestness would be driven back, and after unhappy precedents would be induced to seek for opportunities elsewhere.

These marks also include the continuance of things as they are. For continuance implies, as the experience of the last fifty years teaches us according to the survey of history already made, additional curtailments of the liberties and privileges of the Church, and further encroachments on the part of the State. Indeed to this want of freedom of the Church in self-management, and to a consequent absence of scope for ability, as well as to the non-existence of opportunities for earning promotion, is probably due in the main the well-known decrease for the last twenty years in the calibre of candidates for the Ministry.

5. There is indeed in the Church a much larger number of persons who are profoundly dissatisfied with the present relations of Church and State into which we have drifted, than such people would imagine as are not intimately acquainted with the real state of Church feeling. If we eliminate those who outside of the Church have a deep-seated dislike to secular interference; those again, who taunt us as belonging to a temporal Institution; those also, who clamour for Disestablishment; and lastly, those who, despairing to find any other remedy, join in calling for that revolutionary measure;—we shall still have a very large and important class of earnest,

contemplative, moderate Churchmen, whose sole thought is to live and die in the Communion of the National Church, who make up a very large proportion of the very core of her life, who are most deeply loyal to the Crown and to the Institutions of their country, who would most strongly deprecate anything partaking of the nature of revolution, who are in fact Churchmen of Churchmen and Englishmen of Englishmen, and yet are troubled in the depths of their souls by the bonds in which their beloved Church is trammelled.

Indeed, what other Body of Christians in the Kingdom is thus situated? All Dissenters can meet and manage their own business in independence. But Nonconformist Members of Parliament think that they have a right to meddle with our affairs. The fingers of many people who keep outside of our Communion seem to be itching to lay hold of our possessions. They long to convert our sole title to our Churchyards into a dual title, with Nonconformists as our partners, a species of title which no private owner would concede, except under dire necessity, and full of evident peril to the tenure of our Churches.[1] It was an omen foretelling the coming opinion of future ages, when half the Scotch Establishment seceded in 1843 under the lead of Chalmers on account of State encroachment. And yet 'the Scottish Establishment, claiming that Divine Authority which we deduce through the Apostolical commission,

[1] See this demonstrated in *The present Aspect and the True Settlement of the Burial Question: a Letter to the Right Hon. the Earl of Beauchamp*, by Edward Miller, M.A. C. Kegan Paul and Co., London, 1878. See also Appendix V.

has been extremely jealous of admitting the term or the idea of Regal headship.' [1]

This strong current of feeling may possibly be unintelligible to Peers of the House of Lords, or to Members of the House of Commons, who with strong ancestral ideas of the supreme power of the Legislature, and seeing there the control under the Crown of all Imperial affairs, look down upon religious sentiment as weak vehemence which can be controlled by a strong hand, and is sure to wear itself out in course of time. But 'still waters run deep.' And in this case, the feeling, or sentiment if it be so, has a solid basis of support, a very rock to rest upon, whilst, little as they may imagine, they really look down on it from a mountain drift of sand. If such Politicians had the difficult task of defending the Church of England from attacks within and without, and at the same time in the true spirit of Christian controversy, were scrupulously careful only to bring forth out of their armoury weapons of the fairest mould, they would learn how hard it is to parry the thrust which is continually made through the usurpation of power by the State over the Church of England. That it has been brought about only by the winds and tides makes our perplexity none the less troublesome, though perhaps easier to remove. But it is clear that remove it we must, if the Church is to have true efficiency.

Yet the question now occurs, whether after all there may not be some reason left behind in the opinions

[1] Gladstone, *The State in its Relation with the Church*, p. 125.

now controverted, after their sting and excess have been put away.

What then are their main elements?

First, there is the natural fear in the Laity of over-exacting power amongst the Clergy. The recollections of clerical domination have not passed away, and have in fact shed strong colour over more than one controversy in our times. And no doubt it would be a most serious mistake simply to revive a mediæval system. But if any plan can be devised which, according to the principles already elucidated, would preserve the rights and control of the Laity, it is evident that the objection which has been combated in this chapter might be set at rest. The substance would remain in the combined action of the entire Church; and class opposition, and mutual jealousies might be lulled to sleep, through the fact that no causes are left to arouse them. It would be a violation of Teutonic instincts, and of English habits, to return to the custom, itself a declension due to the then recent overflow of barbarism, of the Clergy by themselves settling all religious questions. But on the other hand, amidst the emancipation of everything else, the Church must evidently be made free. It is strange that her emancipation has come the last of all. And there is also now what appears to be a remarkable Nemesis. The Clergy used in mediæval times to manage the State. We are now at present drifting in the direction of an administration of the Church by the Lawyers.

Secondly, there appears now to be a dread lest the steadiness of the Church would be sacrificed, if more

freedom were granted to her. No doubt in the absence of communion between the various Branches of the Church Catholic, and the cessation of General Councils, the steadying power exercised by the cool and firm hand of the State is most valuable. The other Churches in communion with us, such as the American, the Scotch, the Colonial, and even the Irish, derive beneficial effects from the unmoved position of the Church of England. Their smaller crafts are moored firmly to her well-anchored ship. But again, if such a scheme be presented as would ensure this steadiness, which is perhaps dearer to lay than even to clerical minds, such an objection might vanish. At all events, this important point must be carefully borne in mind in any well-weighed adjustment.

The tendency of the present century is everywhere in the direction of freedom. On what possible grounds of justice and fairness ought the Church of England to be excluded from the benefits of a tendency which is so universal?

CHAPTER XV.

CONSTITUTIONAL ADJUSTMENT.

Representative Action.

ADJUSTMENT then is necessitated by the force of circumstances.

On account of the relative increase of Dissent both in numbers and in influence, though that has been exaggerated,[1] the State opened her own doors by the abolition of Tests. When to this are added the irresistible annulling of exclusiveness in primary and more advanced Schools, and in the Universities, the abrogation of compulsory Church-rates, the removal from the province of the Church of much Registration, of Probate, the relief of the poor, and other duties, the increased control exercised by the Law-Courts, and numerous other changes of more or less importance, it is clear that the relations between the two are materially altered. If therefore no concessions are made to the Church, the balance is dangerously impaired. In that case there can be no equality of giving and taking, but there must be an oppression of the weaker by the stronger.

Again, the machinery of the Church is hopelessly

[1] Above p. 187.

out of gear and obsolete. By the admission of Scotch and Irish representatives, not to speak of Nonconformists of various forms of belief, Parliament cannot possibly be a representation of the Laity of England and Wales. 'The good people of Edinburgh or Dublin, whether individually or representatively, are not Laity of the Church of England, any more than the inhabitants of New York or Vienna. Parliament represents the Imperial, not the Lay, interest in the Church of England as Established. No argument is necessary to refute an opinion which is at variance with the elementary principles of representation.'[1]

It must be carefully borne in mind that the old English Parliament, like Christian Sovereigns, sustained a double office. It represented the general Laity of the Church: and it also formed with the Sovereign, the Legislature of the State. Under this double aspect Parliament assented to the alterations in the Prayer Book in the reign of Charles II. It gave an ecclesiastical assent on behalf of the English Laity; and it added with the Crown the legal sanction and enforcement involved in a legislative act. Both characters coalesced in one operation. But in becoming Imperial it has forfeited all right to the former function which ought, therefore, to be considered as being in abeyance, but it has developed its political powers in an ampler field of action.

The Convocations also are generally admitted to require reform.

[1] *Irvingism*, ii. 346, *note.*

What then must be the nature of the Adjustment needed? It must not be merely antiquarian, not simply a 're-adjustment.' The needs of the living present are too pressing for merely an erection of venerable building upon the lines traced out, and according to the measurements made in a former age. Mere antiquarianism is historically interesting, educationally valuable, but practically weak. Old tools will not always meet new requirements.

But again, an adjustment in an old Body like the Church, which also has a Divine origin, must be made strictly upon the Church's own principles—principles that have been tried and not found wanting. And with reference to the State itself, surely there can be nothing like learning first from her old and glorious history in bygone ages in England, and then taking the principles which we find there and applying them to the requirements of our age with a free and open, and yet a true and consistent handling. Such is Constitutionalism, not slavish, not petty, but withal reverent, far-seeing, wide-viewing, sympathizing, vigorous, and effective.

For indeed, the Union with the State, and the consequences of that Union which have grown up during so many centuries, forbid anything but strictly constitutional reform. In the first place then, the rights of the Crown, which are exercised upon the twofold grounds of the Sovereign being temporally supreme over all causes, Ecclesiastical as well as Civil, and being also within the Church the Head of the Laity, must be respectfully and loyally maintained. Next, the privileges of the Clergy as

represented by their Convocations, must not be invaded. Lastly, the immunities and prerogatives of the Laity must find their just and proper exponence. In any satisfactory settlement, all rights, interests, and privileges must meet with their due acknowledgment and place. The victory, or the undue predominance, of one class over others would be more or less tyranny, or monopoly, or that abnormal balance of variant forces which is the parent often of revolution, and always of strife. So that we arrive at Constitutional Adjustment.

To what results then are we led by our previous examination?

First, it is evident that the Church of England requires a National Synod. The present division into two Provincial Convocations, without provision for joint action, is too clumsy an arrangement to satisfy all needs. There is no provision for, or representation of, the Unity of the Church of England. As the three Parliaments of England, Scotland, and Ireland have been consolidated into one Imperial whole, so plainly the two Convocations should be fused into a National Synod.

And such was formerly the case in the unity of the Church which supplied the pattern for the unity of the State. National Synods were common enough till the Conquest, and indeed till the Edwardian era. And after that time till the Reformation, they were occasionally held, though more as Legatine Synods under the specially deputed Legate of the Pope. But even these Legatine Synods were long in abeyance. From the time of Archbishop Arundel in the reign of Henry IV. till that of

Wolsey we find no traces of any important meeting of the kind.[1] The overpowering influence of the Pope crushed out the independence of the National Church,[2] and in consequence when it was driven off, the Church fell a prey to his despotic successors. The last professedly National Synod was held under Reginald Pole. But the Two Convocations joined together at the last review of the Prayer-book: and though the Name was wanting, they practically formed the Synod of the National Church, the Laity in Parliament adding their sanction without discussing the Ritual alterations in detail.

A National Synod, or Council if such a title is preferred, is the natural representation of a National Church. Introduced by Theodore, it lies deep in the building of the English Constitution. It has been overlaid only through the jealousies engendered from the suppression of the third Archbishopric, consequent upon the narrow policy which sought to confine the Catholic Church within the contracted limits of the sway of Rome.

So that simplicity of principle, ancient precedent, and the requirements of the present time, combine in calling for the formation of a National Synod. There can really be no sort of question, but that, if the Church of England is to enjoy freedom of action, of course within constitutional limits, She must be represented by one, not two or more simply co-ordinate Assemblies. At the same time, it would be a mistake, and an organic mistake, not

[1] Stubbs, iii. 524. [2] Stubbs, iii. 320.

to preserve in some definite way the Provincial Convocations.

1. When we come to the composition of the National Synod, and take first the Clerical part of it, the obvious and at present the most satisfactory plan, and that which is recommended by precedent, appears to be a combination of the Two Convocations.[1] Of course all the Proctors would be called up in the Province of Canterbury, as in that of York, four for each Diocese, instead of two as at present. But that would not be all the reform needed.

The number of the English Clergy is more than double what it was eighty years ago.[2] Besides the increase of incumbents, two important classes amongst them have so increased, as almost to make up practically two new classes.

The extension of work in parishes, including more frequent visiting, more work both with individuals and in classes with the young, and with adults, and many additional services both in centres and in outlying dis-

[1] The instinctive desire for one National Council amongst Churchmen is shown by the common, but plainly inaccurate, way in vogue of speaking of the Two Convocations as 'Convocation.' This expression occurs even in so carefully drawn a document as the Deed of the Constitution of the Church of New Zealand.—*Selwyn's Life*, ii. 99.

[2] In 1801 the number given is 10,307
,, 1841 ,, ,, 14,613
,, 1871 ,, ,, 20,694
,, 1880 ,, ,, 25,000 (about)
Of these, more than 19,000 are engaged in parochial work; in round numbers, 13,000 are incumbents and 6,000 curates, and 1,650 clergy employed in school and college work. In 1841 the number of incumbents was 5,776, in 1871 no less than 13,043. Compare *The Englishman's Brief, in behalf of his National Church*, W. Wells Gardner, p. 43.

tricts, has led to a great enlargement in the number of Curates. This is so well understood, that in proposing several years ago to admit Curates to the clerical franchise, the Lower House of the Convocation of Canterbury only followed the tendency of a feeling which was commonly entertained throughout the country. In any reform, Curates could hardly be left out.[1]

But there is also another Body of men, endowed with high scholarship, great powers, and wide influence, who have almost grown up recently outside the Body of parochial Clergy. The extension of education has been a most remarkable characteristic of the present century. A large portion of the talent and zeal of the Clergy has turned off in that direction. Education, being at one time the subject of the day, attracted to itself no small portion of the ardent enterprise of young men; whilst the holy light shed over the training of youthful minds, notably through the sweet songs of our saintly Christian Poet, made it regarded as a sacred office, well befitting a Minister of Christ.

[1] An objection often made, that such an extension of the franchise is not constitutional, reminds one of similar objections advanced against the lowering of the State franchise. Yet the last measure was carried by the Tory party. What appears unconstitutional in detail may be strictly constitutional in principle. Are Curates to vote amongst the Laity? They have Orders and Mission, if their Mission is not technically 'beneficial.' The really broad distinction lies outside of these, or of one of these. Whether Deacons should be included is a much more reasonable question. The want of stationariness in Curates, on which the Archbishop of York has insisted, has more speciousness, I can hardly with all deference call it weight, as a Diocesan or Provincial, than as a National question. A new and very important class cannot be dealt with after old details which afford no definite precedent, but must come under the sweep of broad principles.

Yet like all English upgrowths, this portion of Ministerial work has risen up of itself without care being extended to it from the Authorities above. From some of the parochial Clergy, and even from Bishops, it has often received only a cold jealousy. Yet here we have a Body of Clergy remarkable for ability, who are engaged in a work which parents generally consider is best performed by Ministers of Christ,—who are carrying out the solemn command of their Master, 'Feed my lambs,'—allowed to remain outside of the Church's organization, and without a voice in her Councils.

What are the inevitable results?

First, that the Convocations lose the support of a singularly able set of men. And they not only miss the accession of ability, but they lose also the additional vigour which would be brought by men of a different yet well-trained tone of mind. Broadening the area of representation must add to the moral and intellectual strength of it. People who are unrepresented always criticize, and often in a severe, and even a hostile fashion. But if they feel that they have part and parcel in what is transacted, and can find their remedy to some extent at the next election, they regard personages and transactions in another light. So that if any plan could be devised for adding to the Convocations, and so to the National Synod, representatives of the Clerical Heads of Colleges, Professors and Tutors of the Universities, and also of the Clerical Masters in Public and Private Schools, these assemblies would be the gainers in various ways.

And besides this, advantages would be conferred upon the Educating Clergy themselves, by bringing them withinside the operation of the Church's system, and thus exciting in them more interest in religious and ecclesiastical questions, and thus invigorating their professional character. They are virtually the successors of the regular Clergy of the Middle Ages, only that instead of being more clerical, they are less so. But as they have grown up almost outside the Church, it would be a Statesmanlike achievement for some Church Reformer to extend her organization so as to include them, and to draw them officially as well as personally within her pale. Their various associations, such as the College of Preceptors, and the Meetings of the Head-masters, might possibly form a nucleus for effecting this purpose. But an exact knowledge of all the particulars of their body, and of their own opinions and feelings, would be a necessary preliminary, for suggesting any plan. And it would imperil the chances of success for such a measure, if any private man were to hamper his proposal with details. The arguments now briefly set forth prove that there is here an important field for a really competent Administrator.

With the area thus enlarged, and the representation thus improved, it would seem that the Convocations would supply the Clergy for a National Synod. But there is also another measure, which though not at all essential to the formation of a National Synod, would nevertheless add materially to its efficiency.

Gregory the Great's plan for England as we have

seen included two Provinces, one with London, and the other with York as the Archiepiscopal seat. Ethelbert's influence, and failure in high projects, put Canterbury into the place of London : and no doubt the provinc of York, in Gregory's mind, included, as it actually did for many centuries, a considerable part of Scotland. But the point of the matter is, that each Province was to include twelve Dioceses. Such seemed then, and would probably upon unprejudiced consideration seem now, a natural definition of the ideal size of a Province.

But if at the present day, after the march and development of centuries, we examine our two Provinces, we shall find that the Southern one contains twenty-three Dioceses, and York only seven. As more Bishops are in contemplation, both these totals will be ere long increased.

So that at present the Province of Canterbury is more than thrice as large, ecclesiastically speaking, as the Province of York. Add to this, that besides the duty of consecrating Colonial Bishops, more business must also fall upon the Archbishop of Canterbury, as Primate of All England, than upon his Archiepiscopal Brother in the North.

Now it must be remembered, that the Province of Canterbury includes not only the Province of the Archbishopric of Lichfield, which however was only in existence from A.D. 786 to 803, but more especially the old Celtic Province which till the conquest of Wales was successively though somewhat fitfully administered by

the Archbishops or Metropolitans of Caerleon, Llandaff, Menevia, and St. Davids.[1]

Our present number of two is an utterly faulty one. It yields no majority, it ensures no real ballast, it would be chosen as a limit of no corporation, or quasi-corporation. It is divisive, and suggestive of jealousy, disunion, and opposition. As a matter of history, the emergence of the Province of York into independence led amongst other causes to the cessation in the assembling of National Synods amongst us.[2]

It is now, too, almost impossible that the practice should be observed of always consecrating a Bishop in his future Cathedral, a practice which would be very efficacious in bringing people in the country near to the greater ceremonies of the Church. And the Convocation of the Province of Canterbury would probably to an unprejudiced eye appear anomalous, as being too small for a National Synod, and too cumbrous for a Provincial one.

Efficiency, therefore, would be promoted, both in the Archiepiscopate, and in Provincial Synods, if a new

[1] Haddan and Stubbs, *Councils, etc.* i. appendix C, esp. pp. 142, 143, and notes.

[2] Stubbs, ii. 198: 'Owing to the unfortunate jealousy which subsisted between the two primates, the assembling of national church councils became, after the independence of York had been vindicated by Thurstan, almost a matter of impossibility. The disputes, amounting almost to undignified personal altercation between the Archbishops themselves, disturbed the harmony of even the royal courts and national parliaments. Only when the authority of a legate superseded for a moment the ordinary authority of both, were any national synods summoned.' Of course this is not to be feared now, but we see in it proof of the inherent faultiness of the arrangement.

Province were erected, with Lincoln, Gloucester, Ely, Lichfield, or any other place which might be preferred, as the seat of the Archbishop. It might contain the Dioceses of Lincoln, Norwich, Ely, Peterborough, Lichfield, Worcester, Hereford, Gloucester and Bristol, and the four of Wales. Probably, as time goes on, perhaps not in the life-time of any but the younger ones of the present generation, the Midland and the Southern Provinces would be again dichotomized.

But be it again stated, and reiterated with emphasis, that this suggestion is not at all necessary in pointing out the advantages which would ensue upon the establishment of a National Synod. All that is absolutely essential to success, as far as the Clergy are concerned, is to combine the two present Convocations, properly reformed, into one Assembly.

II. A body of representative Laity must be established. How should it be composed?

The Committee which reported in February 1879, to the Lower House of the Southern Convocation avoided the difficulties of this question, by mentioning three schemes, but not thinking it 'desirable' to enter into any comparison 'of their several advantages or disadvantages.' Both the Lower House of Convocation of Canterbury, and the Convocation of York, have recorded their opinion that in changes of ceremonial it would be sufficient, if the proposed alterations were, after being presented to Her Majesty in Council, to lie upon the tables of both Houses of Parliament for forty days: and after that time, if no adverse address were made, they

should upon a ratification by Her Majesty in Council bear the force of law.

If taken by itself, surely a futile proposal.[1]

Is there any probability that the Lay power, formerly exercised mainly through Parliament upon constitutional principles, would be satisfied by such a measure? From the Teutonic character of the English People, it is impossible to expect that they will thus abdicate control over these matters. And it is a grievous loss of strength, if under proper restrictions, the justice and advantages of which well-informed Laymen will be the first to acknowledge and maintain, the Laity are not taken into council. The position too of Parliament must in that case remain anomalous, as professedly the representation of the Laity, but really only Imperial in its character.

But some people propose a Lay Conference, to be convened by the Archbishop, either only Provincial, or if National more of a debating character, rather than possessed of real, though constitutionally limited powers. Is there any chance of Parliament surrendering its supreme, if really unconstitutional powers, to such an ornamental Assembly as this?

[1] The Committee of the Lower House of the Province of Canterbury in their Report (p. 13), recommend that 'a Provincial House of Laymen should be formed, to be convened from time to time by the Archbishop, and to be in close communication with the Synod, who shall always be consulted before application is made to the Crown or to Parliament to give legal effect to any act of the Synod.' This being so, the preparation of the Draft Bill *before* the construction of a House of Lay Representatives seems inexplicable. But there is too much of a mere ornamental character about this House of Lay Consultees, and a want of penetration to the core of the matter in the somewhat loose argument of the Committee (p. 11). See Appendix VI.

It is surely clear, that the only prospect of emancipating the Church from the direct control—not of course the supreme supervision—of the Imperial Parliament, lies in establishing an Assembly, which representing the Laity of the Church of England and Wales, shall form in Ecclesiastical concerns a fit successor to the Parliament of 1662.

What then should be the constitution of this Body? The Analogy of all Representative Governments at the present day, if taken in the whole, whether in England, France, Italy, Germany, or elsewhere, points to a mixture of elected with nominated members. Supposing the number of Clergy in a reformed National Synod to amount to about three hundred,[1] we might have about the same number of Laymen.

The Sovereign then, in the character of Head of the Laity, might nominate sixty members, besides having the power of adding five or ten more—of course Communicants—out of the Advisers of the Crown for the time being, the membership of these latter lasting only so long as the members in question were in confidential communication with the Crown. The Bishops might

[1]

Bishops	30
Suffragans	3
Deans	32
Archdeacons	75
Proctors:	
Capitular	32
Southern Clergy	92
Northern ,,	28
	292

Besides educational Clergy.

nominate two apiece, and the Archbishops each four. And each Diocesan Synod might send five.[1] If the nominated members seem to be in excess, the proportion can be easily altered. A considerable proportion at least of the nominated members, if not the whole of them with the exception above noticed, should hold office for life, or till resignation.

Such is a first draft of the composition of a Representative Body of the Laymen of the Church of England and Wales, which would be fit permanently to occupy, in Ecclesiastical matters alone, the place of the old Parliaments of England. A first draft is of course only a basis to work upon: though the items have been carefully considered.

Having then got our National mixed Council, we should find it probably work as follows:—

1. The 'Letters of Business' would be addressed, not to the Provincial Convocations, or to the separate Archbishops, but to the Archbishops conjointly, as Presidents actually or potentially of the National Council.

2. On the first meeting in February, the whole Council would assemble together. Leave would be

[1] Nominated by the Crown 70
,, Archbishops and Bishops . . . 64
Elective Members 150
Total at present 284

The Nominated Members would be analogous to the House of Lords; the Elected Members to the House of Commons. To concede such influence to the Crown would be constitutional, as the Crown has always exercised great power, and would add stability besides paving the way for the establishment of such a Council.

given to introduce measures, and then these would for the earlier stages be relegated to their proper quarters. Questions of Doctrine, if such, would be left to the Bishops, who might of course privately summon to their aid any Churchmen, Professors of Theology, Members of the Synod, or not, just as they thought proper. Questions of Ceremonial, or of Discipline, would be placed in the hands of the Clergy generally, who would prepare and pass them in their Body by themselves, either conjointly, or in a Lower and Upper House, as at present. Questions of Finance would be referred to the Lay Body, to be matured by them, and passed amongst themselves, in like manner.

3. After Easter, there would also be a short Session, when measures would be advanced to a further stage.

4. In June, after Trinity Sunday, there would be a fixed meeting. The measures carried in each Body would be promulgated in a general assembly, and debated. Then each Body would retire to accept or return the measures initiated by each other, but needing confirmation or rejection.

5. Such measures as required the sanction and enforcement of the law, would after being passed, be laid upon the tables in Parliament for some specified period, having been first presented to the Sovereign in Council, and then if no objection were made, would be again presented for receiving the Sign Manual. When the Church Laity, as represented in their Lay Representatives had given their assent, there would probably not be any further reason for their being discussed in Parliament.

6. There would of course be necessary variations, owing to circumstances, from the normal mode of proceeding. After some earlier Sessions the times of meeting might be lessened, so that the Synod should assemble in alternate years, or every three years, or even, if found desirable, after a longer interval.

Where then would the Provincial Convocations be all this time?

They would practically form the constituent parts of the National Synod. But besides this, there would probably be some work for them, as the links between Diocesan Synods and the great Council.

It is taken for granted that Diocesan Synods would meet once a year in October, or possibly in the spring. Their measures would *per se* be only binding *in foro conscientiæ*. The Bishop would of course have the power of vetoing everything. Nothing could be passed without his consent. But even then their measures could not have in themselves a binding effect, except as matters of voluntary Christian submission.

But a Synod might and most probably would find it desirable to add more compulsion in certain cases. Much of the local work done by the Ecclesiastical Commission in dividing Parishes and so forth would come under them. Then the course would be for the measures in question to be submitted to the Provincial Convocation.

The Provincial Convocations might thus meet for a few days just before Advent. Some Provincial questions of a local character might come under their cognisance:

and if they helped Diocesan proposals on their way towards becoming legally compulsory, they might thus lighten the labours of the National Council.

This proposal then for improving the representation of the Church of England is submitted to Churchmen. It is drawn upon old lines. It is calculated for fresh needs. It includes proposals which are strongly urged amongst thoughtful Churchmen. If it goes beyond some of these proposals in a few features, this is only what is dictated by the study of Constitutional History, and by penetrating to the real source of our troubles. That source is found, not in a want of Christianity around us so much as in the facts that our Constitution has drifted from her moorings, and that very few are conscious how far she has drifted, and when or where the chains were snapped.

Yet we must look carefully and cautiously, and withal boldly, if we would discover the true remedy. The principles that underlie the plan suggested have been already explained, and will remove by anticipation all difficulties. Yet perhaps it will be best to notice the two chief objections which are likely to be advanced.

1. It may be said that a Representation of the Laity is not necessary. The Clergy ought to, and can, manage the Church.

Now it may be replied:—

a. That the Laity are an integral portion of the Church.

b. They have always been a power in the Church, either collectively, or through the Sovereign, according

to Catholic precedents. Just as the State power concentrated in a single potentate, like Constantine or Charlemagne, or the Russian Alexander, is now vested in the various participators in constitutional government so the control exercised formerly by the Sovereign over the Church would now be fitly administered, not by those who are chosen by the Sovereign as the virtual nominees of an Imperial Parliament which overlaps the boundaries of the Church both physically and spiritually, but by the Representatives of the collective Laity with the King or Queen at their head.

c. The well-educated Laity of the present day are very different from the half-Christians of Arian times, or the semi-barbarians of the middle ages.

d. Laity of Teutonic origin will never let the Clergy do everything.

e. A vast additional strength and influence would be thus gained.

f. The example of the Colonies teaches this.

g. Nonchalance in the Laity—that terrible 'Indifferentism'—would be more likely to be changed into zeal, by their being brought face to face with the real needs of the Church.

h. The financial questions, which at present take the clergy too much off from spiritual duties to 'serve tables,' would be placed in the right hands.

i. There would be a counter-balance to the tendency to professionalism in the Clergy.

2. On the other hand, it may be objected, that too much authority is given to the Clergy, by making them

in the Bishops the Custodians of Doctrine, and generally the Managers and Guardians of Worship and Discipline.

To which objection we may reply :—

a. The fact of the Truth being a Deposit entrusted by our Lord to the charge of His Church renders it absolutely necessary that there should be learned men especially trained to guard that sacred Truth.

b. These matters form the distinct Province of the Clergy.

c. The Clergy are therefore bound to see to them, not at all from any despicable motives of exercising power or exalting themselves, but from public responsibility, and for the advantage of the Laity themselves.

d. A great safeguard is needed to keep the Church of England, amidst present divisions, well-attached as a Branch to the Universal Church of Christ.

e. Any further change, which would denude the Clergy as represented in the Convocations of their duties or privileges, would constitute a distinct violation of the laws of the Universal Church, and of the Ancient Constitution of England.

CHAPTER XVI.

CONSTITUTIONAL ADJUSTMENT.

§ 1. *Judiciary and Patronage.*

WILL the experience of the past afford no hints as to the settlement of the vexed questions concerning the Judicial action in Ecclesiastical causes?

The first step to be taken is plainly an examination of the salient points of the case.

The Crown then has been declared to be supreme in all causes Ecclesiastical as well as Civil within the British dominions. Under this principle, even Roman Catholic and Nonconformist causes come beneath the survey of the Law Courts. But owing to the Establishment there is a closer control over the administration of law in the English Church. In the former instances, the jurisdiction is more of a dormant character, only to be awakened if some wrong is complained of, or justice is prayed. But the Crown actively sees whether justice is administered in the Church. Hence come Royal Commissions, and the special provisions of the Court of Appeal.

Now what is the justification of this? It does not

come within the province of a Layman to execute justice within the Church: not even indeed of the Head of the Laity. Christian Emperors claimed to themselves no authority in 'controversies of faith;' that authority according to our Article is the office of the Church. The Theodosian Code formally settled that Ecclesiastical offences could be tried only in Ecclesiasti cal Courts: and that principle became actually a part of Civil, as well as of Ecclesiastical Law.

What then is the justification of the practice?

The right always admitted, for Christian Sovereigns to provide in the appointment of Ecclesiastical Persons for the execution of justice. And the right rests upon their double character.

As Sovereigns over all their subjects, it is their duty and privilege to secure the administration of justice in all cases. But all Religious Bodies are endowed with liberty to manage their own concerns. So that as exercising Sovereign authority, the Crown has no power to interfere till a cause is brought outside the Religious Body. But in the case of the Church, a Christian Sovereign has a place as one of the Laity inside the Body, and accordingly has a lively interest in seeing justice administered. But even that does not convey any authority otherwise than according to the organic laws of that Society, the laws regulating the due subordination of the several orders in the Church, and providing for the performance of all duties. The Sovereign can set those in motion: but can proceed in no other way without undue interference.

The execution of this principle in judicial appeals was duly provided for till 1833, when the late Lord Brougham induced Parliament to vest all powers in the Judicial Committee of the Privy Council. The evils that are inherent in the present system will be apparent upon a comparison of it with the old.

The great Court of Appeal in all Ecclesiastical Causes was, as is well-known, the Court of Delegates. 'This Commission,' says Blackstone,[1] 'is frequently filled with Lords, temporal and spiritual, but always with Judges of the Courts at Westminster, and Doctors of Civil Law.' If the Sovereign himself was party in any case, then the appeal lay to the Bishops in the Convocation of the Province in which the suit lay.[2]

But supposing that there were reason to apprehend that justice had not been administered by the Delegates, then the Crown could appoint a 'Commission of Review,' to revise the sentence of the Court of Delegates. And in fact in 1798, an application was made, as has been stated, to the Court of Chancery, and the Lord Chancellor, after hearing the arguments, advised the King to issue such a Commission of Review.

But neither of these Courts were 'Courts of Record,' they had no power of fine or imprisonment. And when judgment was passed, it was remitted to the Ecclesiastical Courts for execution. Though they could not fine or imprison, they held indirectly the powers of deprivation and of excommunication.

[1] Blackstone, iii. 5, 6.

[2] Ibid.

The disadvantages of the present system are evident.

1. By a short-sighted mistake, men being blinded by the temporary exigencies of the period, the Court now consists solely of Lawyers. The Bishops are in the dubious position of Assessors, having no vote or power of directly influencing the proceedings or the judgment.

2. There is no provision for revising a mistaken decision. The Purchas Judgment could only be revised by the awkward expedient of abolishing the old Court, and setting up a new one in its place, which is also without any such provision.

3. From the fact that the Lord Chancellor usually presides over the Court, there is no superior officer left behind in case of any difficulty arising. This is like moving the Queen into danger caused by inferior pieces at chess, or sending the Commander-in-Chief and the reserves into action at the beginning of a battle.

4. The presence of the Lord Chancellor also compromises the Ministry under circumstances when strong feeling is often inevitably roused, besides that it can hardly help bringing in the element of policy where there should be nothing but dry law.

5. The Court, by putting into force its own decisions, lends itself to an usurpation of Ecclesiastical authority, which can be justified by no precedent, except such as is taken from times which were confessedly open to the charge of usurping power.

It is therefore not surprising if the Court, as recently

constituted, has failed to give satisfaction; nor that the Committee of the Lower House of the Canterbury Convocation, acknowledging the evil, should yet profess themselves unable to suggest improvements in the composition of it. The only improvement,—and it is the one which follows from the examination of principles and precedents,—is to retrace our steps, and to return to the period before meddling hands threw these matters into continual confusion.

Nevertheless, we may insert in our reconstruction some results of the experience of the last century.

But before entering upon the details of this reconstruction, we must not fail to observe that the administration of Ecclesiastical law differs widely from the enforcement of the laws of the State.

Ecclesiastical laws, inasmuch as they regulate action and observance, are necessarily searching, intrusive, and full of detail. Consequently, it is especially true of them, that 'the letter killeth, but the Spirit giveth life.'

Again, inasmuch as the Prayer-Book, at the wish of all parties except some courageous and enterprising spirits, must be left intact, there is the difficult question remaining, after the law is declared, whether it is to be enforced in the face of non-user, opposing practice, difficulties in execution, and strong feeling in the congregation concerned. The Rubrics in the Prayer-Book are invested with the veneration, and the rust also, possessed by age. Yet they must be followed as far as possible, and not be lightly disregarded. Here again is a delicate duty which none but the Bishop of the Diocese, in

submission to the united Episcopate, can execute, to decide how far non-compliance is allowable in each case, this duty involving the determination of fine questions, in which the need of Bishops is clearly evident.

Besides this, people must ever bear in mind that if true and earnest Religion is to flourish, it must be allowed freedom of expansion and liberty of choice and even of variation. Constituted as all men are, a hard legalism would be the death of spiritual religion. But Law-Courts can take no cognisance of this.[1] Here again the Church's own highest Officers find their sphere in applying the decisions of the Courts to the requirements of religious life.

This field of Episcopal duty was acknowledged in the Public Worship Regulation Act, when the Consistory Courts of each Diocese were in such processes swept away. And if only sufficient discretion is allowed to the Bishops themselves in dealing with questions as they arise, there may perhaps be no need to restore those Courts. But perhaps a better plan would be for the Bishop in the first place, with two, four, or six of his Clergy[2] to hear the case, after which, if any legal difficulty arose, it might be sent to the Arches Court. But for the sake of the freedom of the Church, and to prevent a domination of Lawyers against which

[1] The Bishop of Oxford pointed out at the Swansea Congress that there is a danger of a cessation in the fresh supply of lawyers versed in Ecclesiastical law, now that so many of the old courts have been abolished. (Paper read at the Swansea Church Congress.)

[2] This is in substance the suggestion of Dr. Phillimore in a paper read at the Swansea Church Congress.

Churchmen will always be found to rebel, a provision should be made in the exercise of the jurisdiction of the Arches Court, that the consent of the Bishop of the Diocese in which the offence was committed should be given after the hearing in sign manual as the authority for pronouncing any judgment. The law being declared by the judge, the enforcing of it should fall as a matter of discipline into the Bishop's hands, unless the Bishop himself be party to the suit, in which case the consent of the Archbishop of the Province would be substituted. An appeal would lie to the Archbishop and Suffragans of the Province.[1]

The Judge of the Arches Court would of course be only what he is termed,—an Ecclesiastical Officer, appointed for each Province by the Archbishop, not the holder of a State Office, or appointed by State Authority. Whether the same Judge should be appointed for every Province, or separate Judges for each, might be left to the Archbishops, who would be guided by the merits of the case.

The Court of Delegates would be nominated by Her Majesty in Council, and might consist of two, three, or four Judges, with one, two, or three Bishops, to assist them, chosen by rotation as at present are the Assessors in the Judicial Committee of Privy Council. It should

[1] This is a very important point according to St. Cyprian's canon before quoted: 'Episcopatus unus est, cujus una in solidum pars tenetur.' That is, each Bishop is a portion of the universal Episcopate,—a maxim necessary for consistency and unity of action. The quorum of Bishops hearing such an appeal could be settled afterwards. It should always include the Archbishop.

be presided over by the Lord Chief Justice of England, or some other of the first Judges. But the Lord Chancellor, or the Archbishop of Canterbury, should not sit upon this Court.

Nec Deus intersit, nisi dignus vindice nodus.

Those high Personages should be kept in reserve, in case of the emergence of unforeseen difficulties. When a decision is reached, the execution of it should be remitted to the Arches Court. This is a most important provision, because it would disentangle questions of everything but the dry law. The question of policy would be treated where it ought to be: the State Judiciary would not be burdened with perplexities belonging to the internal administration of the Church.[1]

But of course, if a Bishop did not carry out the law, there would be an appeal *ab extra* to the Law-courts at Lincoln's Inn or Westminster, in fact to Her Majesty in any of the Courts of Law. That would be the saving clause of the Constitution, and would cause no offence, because if the nature of the jurisdiction is thoroughly understood as being simply Imperial, the judges would not outstep their powers.

[1] This important principle is confirmed by one of the canons in the Constitutions of Clarendon: 'De appellationibus si emerserint, ab archidiacono debebit procedi ad episcopum, ab episcopo ad archiepiscopum, et si archiepiscopus defuerit in justitia exhibenda, ad dominum regem perveniendum est postremo, *ut præcepto ipsius, in curia archiepiscopi controversia terminetur;* ita quod non debeat ultra procedi absque assensu domini regis.' The last clause forbad appeals to Rome; but the words in *italics* ordered that when the law was declared by the Royal authority itself, the execution of it should be remitted to the Episcopate as represented by the Archbishop in his Court.

Supposing that the Court of Delegates in any decision did not give satisfaction, the remedy would be found in an application to the Privy Council for the appointment of a Committee of Review to rehear the case. Such an appointment would not be made lightly. Strong grounds must be shown upon the application to justify it. But if granted, the Committee must be made as strong as possible. The Lord Chancellor and the best lawyers and the Archbishop of Canterbury and the ablest Bishops,—all nominated by the Crown,—would sit upon it. They would have the advantage of coming after the previous hearing, which would nearly always be the final appeal.

These Courts would also have another advantage which is denied at present. If justice failed in any way on account of an unforeseen operation of the law, the National Synod would set matters right. Decisions bearing bad and unalterable consequences for years to come would not be given, because an additional rubric of explanation or provision might elucidate the mind of the Church beyond a doubt. Questions of policy here again would be removed far away.

Such are the outlines of a plan suggested by the records of the past, which is offered for dispersing some of the clouds which have settled over the Church of England. Is it not constitutional, and does it not imply a truer recognition than we have at present of the limits which separate State from Church, and Church from State?

§ 2. *Patronage.*

The evils of the present system of Patronage are both apparent, and are widely felt, as is shown in a degree by the appointment of a Royal Committee which has recently made a Report.

1. The ceremony of the *congé d'élire* is a solemn sham. That the Deans and Chapters should be directed to elect, and should at the same time be so coerced as to have no choice; that when they have thus accepted under compulsion the nominee of the Crown, such an election made in veritable chains should be described in the deed read publicly at the Consecration of Bishops as a 'free election,' is a bequest worthy of Tudor tyranny. On the other hand, an election made solely by the Dean and Chapter would be a monopolizing by a small section of the Clergy of the joint right of all the Clergy and Laity. Besides which, the anxious care that is now exercised to select the best man for the purpose, and that by the Sovereign as Head of the Collective Laity, makes it extremely doubtful whether any other plan would actually work better. The general wish of Churchmen is not to alter the mode of appointment, but to give to a Diocese the power of objecting, in case the Crown some time hence,—for there is no fear at present,—under the influence of a free-thinking Representative of a House of Commons either infidel or not in accord with the Church, should seek to impose an obnoxious nominee.

Now if we go back to primitive times, we shall find that the people of the Diocese, both Clerical and Lay, took part in the appointment of the Bishop. And in America and in the Colonies, the election is made, not by Deans and Chapters, but by Synods.

Two reasons have brought the Dean and Chapter into this prominence. First, they used in the earliest days to include the entire Clergy of the Diocese: and next, there was a great tendency, during the middle ages, in all religious societies or corporations to push themselves into notice and to arrogate power. Now, however much we may succeed in making Chapters, after the praiseworthy efforts of Bishops Wordsworth, Selwyn, and Benson, to become epitomes of a Diocese, we cannot cause them to be representative over our large areas up to the degree required. To attempt to do so is much too antiquarian. They have their most useful spheres, and the more they are mixed up in the work of the Diocese the better. But they cannot cover it. And we must seek elsewhere for what we want.

2. The unrestricted sale of Livings is a great evil, and is a source of serious scandal both within and outside of the Church. Though purchase of a Living by a Clergyman for himself is not Simony in the deep-dyed sense of purchasing Ordination, nevertheless under the veil of buying temporal possessions, it is virtually a purchase of Spiritual Mission. A Parish-Priest officiates by virtue both of Ordination and of Mission. If he cannot be appointed without being ordained, he cannot be the minister in any place without being sent there with the

proper jurisdiction. And this he can obtain virtually, if not technically, by purchase.

3. While the variety in the tenure of patronage helps largely to spread the power of obtaining preferment amongst a large number of Clergy, there is nevertheless no certainty that a Clergyman can obtain promotion by mere merit. It is impossible to say how much strength is not lost to the working power of the Church in this way. Many men of ability and energy are afraid to enter the Ministry, because they despair of securing the means of self-support. Many more are for the same reason obliged to devote themselves to educational labours, when they had much rather give themselves up to work in parishes. These notorious evils are more widely and deeply felt, than, as my own experience leads me to believe, is generally known.

The difficulty of dealing with these evils is so great that it has hitherto baffled all attempts to mitigate them. The most important suggestion made by the Royal Committee after their searching examination, viz., that the sale of next presentations should be prohibited, meets with opposition within the Committee itself.[1] The complications of the system of Patronage, which is mixed up with the interests of Lay-patrons, with the rights of property, and with the due opening of the door to various classes of our population, are such that it is perhaps not possible to do more than to indicate the machinery

[1] The Earl of Devon and Lord Justice James record their dissent.—Report, pp. xii, xiii.

which would in course of time grapple with the difficulty. This may, I submit, be found in the Diocesan Synod.

Each Diocesan Synod should have a Patronage Committee.[1] The Bishop of course would be the President, and there would be influential representatives of the Clergy and of the Laity. Every nomination should pass through this Body, and should not be valid unless it receives the signatures of the Bishop, the Chairman of the Clerical, and the Chairman of the Lay Members. In the case of each Living, the Churchwardens, and a Sidesman for each thousand inhabitants, or fraction of a thousand, with a limit at three or five, might be added to the Lay Representatives.

This Body might be made a nucleus for the collection of Patronage. There need be no difficulty in transferring to them Livings of small value, which they might be able to augment from Diocesan sources. The late Bishop Wilberforce made it an objection to Diocesan Synods, that they would have no funds to administer. With the aid of the legislative powers of a National Synod, as suggested in the last chapter, a Diocesan Synod might make a certain number of offertories compulsory in each parish. Hence would arise an annual augmentation fund, which would attract small Livings. So also, as no doubt the Bishop would be in frequent

[1] The Commissioners propose to establish a Board of Diocesan Trustees, of which the bishop should be chairman, and which should contain a lay element; and that such boards should be enabled to accept advowsons from patrons willing to transfer them.—Report, xii. The Rev. George Venables would have a Diocesan Trust with power of purchasing advowsons. P. xiii.

consultation with the rest of the Board, he would be able the more easily to learn about deserving Clergymen. And a strong Board, composed of men of varied turn of mind, would be the more able to grapple with, and in course of time to eradicate, great evils.

All appointments would have to pass through this Board. Even those of the Bishop must be signed by the two Chairmen as conveying the approval of Clergy and Laity.

Here then we should find the true Recipients, inasmuch as they would be the actual Representatives of the Diocese, of the nomination of the Crown as couched in the writ of *congé d'élire*. Although freedom of election was at one time conceded under the several Charters[1] granted to the Church, yet this concession, if carried out upon the mediæval custom of concentrating all choice in a corporation of Clergy, would be destructive of the much earlier principle which was acted upon in primitive times. The Crown is to be regarded *ad hoc*, not as head of the State, but as the eldest Child of the Church and the representative of the collective lay body. And upon the principle that the descendants or successors of the original patrons of parishes are now invested

[1] These charters, and notably the Great Charter, were grounded upon the issue of the contest between Henry I. and Anselm. This struggle 'on the question of investiture terminated in a compromise which placed the election in the hands of the chapters of the cathedrals, the consecration in that of the metropolitan and comprovincial bishops, and the bestowal of temporal estates and authority in the hands of the King.' Stubbs, iii. 295. A characteristic application of the mediæval ignoring of the laity, grounded also upon a treatment of the Sovereign as solely the head of the State. He was driven out to make way for the Pope. Compare Stubbs, iii. 291.

with the patronage, the Crown, as the Successor in sum and aggregate of the Saxon Kings, would most consistently retain the nomination to bishoprics. Such a mode of appointment seems most in unison with our constitutional habits, and with long-continued precedent; whilst it would secure a freedom from the evils which are apt to occur in popular elections.

But nomination by the Crown ought evidently to be guarded from possible dangers, even if they are not now to be expected. It is quite within the bounds of political deviation, that a Prime Minister, pressed upon the Royal acceptance by a party in temporary ascendency, might secure the nomination to a bishopric of a man of dangerously unsound views. Against such a contingency surely provision should be made. The power of vetoing an appointment would be very rarely put in force. It would convey no initiation. But the existence of it would go very far towards removing dissatisfaction, and attaching Churchmen more closely to the Constitution. And at the same time the anxiety of the advisers of the Crown to appoint the best men would probably be quickened and encouraged.

There appears also to be another strong point in this suggestion. The Chapters are not representative enough, and Diocesan Synods would be too large and too popular bodies to exercise a veto. They would be open to obvious objections which need not be recounted. But against Boards of Patronage neither exception could be advanced. The majority at all events of the staid men of high reputation of which they would consist would

overbear any restless impetuosity, or needless interposition of difficulties.

When then the *conge d'élire* was sent down, as the Bishop's seat on the Board is vacant, it would be occupied by the Dean of the Cathedral, as being the official most recommended by precedent. It would be well that the subsequent Confirmation should be made, not by the Archbishop's Vicar-general as at present, but by the Archbishop of the Province himself in person, accompanied by his Comprovincial Bishops, one of whom in his absence would preside, three to be a quorum. If anything were wrong in the mode of appointment, or if any moral objection were proved against the bishop-elect, but not otherwise, they would as now quash the appointment.

The Consecration, as before suggested, would, according to ancient precedent, take place in the Cathedral of the Diocese.

CHAPTER XVII.

CONCLUSION.

THE suggestions which have now been made are offered, as the result of many years' observation and thought, to our Rulers in Church and State, and to the Churchmen of the present generation. They are grounded upon tried principles, and their aim is to be strictly Constitutional.

If it be true, as the observation of historical events leads us to suppose, that the Church has gradually drifted into her present position; that ill-understood defects in her masts and rigging have hindered her from breasting the winds and waves as she used to do in admirable style; then her troubles now-a-days are to be mainly attributed to this cause rather than to a want of skill or zeal in navigation.

But Church matters pre-eminently demand examination of history. For since 'other foundation can no man lay than that is laid,' we must learn her principles by going back to the period close upon her Great Founder's days, when the memory of Him and of His Apostles was near enough to allow of His Institutions being understood, and when the keenest and brightest intel-

lects in the world were engaged in ascertaining His arrangements. Inasmuch too as soon after those days the Church in these Islands was in a most active and flourishing condition, and became the foundation of English liberty; and inasmuch as the principles of the connection between Her and the State have been worked out all through the history of our English Constitution; here, as well as in a philosophical examination of those principles, we may find our true guidance.

Such is Constitutionalism. Not revolution, not radical change, not meddling alteration, not blind conservatism, not worship of defects, not ignorant attachment to venerable parasites. But it is an enlightened adherence to the true principles on which has been reared the national prosperity, gathered not in a hasty quest upon the surface, but after careful wary and reflective search throughout the career of the people. It is more than implicitly antiquarian. Besides the deep-taught lessons of the past, there are the interests, the peculiar lineaments, the peremptory necessities, of the living present. Indeed we 'study the past to adorn our present, or to make our view of it clearer.' Resting, not upon a presentment of principles which is antique and probably corrupt through the wear and waste of time, but upon nothing less than the principles themselves, we can accommodate our employment of them to the special conditions and exigencies of modern days.

A tendency in England and Wales at present has set in slowly but surely towards the National Church. Even the increase in the number of the Sects does but illus-

trate more vividly the view of Unity. Increased zeal and activity, notwithstanding much discouragement and contrary currents, is bearing fruit.

That the present effort may in some degree help towards placing the Church as to her relation with the State in such a situation as may minister largely to her own efficiency, to the stability of the Throne, to the banishment of mutual jealousy, and to the promotion of union, concord, freedom, and happiness, is the prayer under which this book has been composed, and with which it is now commended to fellow-Churchmen and fellow-Countrymen.

APPENDICES.

APPENDIX I.

THE JURISDICTION OF THE CHURCH OF ENGLAND.

IT is perhaps necessary to notice the attack which is nowadays delivered against the Church of England in the following form :—

'We admit that Archbishop Parker was validly consecrated by Bishop Barlow and his three coadjutors. But he received no pall from the Pope. Therefore he and his successors, who are no better off, have no Ecclesiastical Jurisdiction.'

Now it is not to be denied that the Archbishops in England, from the time of Augustine till that of Warham, did generally get their palls from Rome. But an examination into history shows, (1) that the pall was not the universal vehicle or symbol of Jurisdiction ; and (2), that it is more than doubtful whether in primitive times all Archbishops or Metropolitans did seek for a commission of Jurisdiction from the Bishop or Pope of Rome.

1. The pall is well-known, in its ecclesiastical form—not as the old philosophic or general 'pallium'—to have been originally part of the Emperor's dress, and to have been first granted by the Eastern Emperors to the Patriarchs of Constantinople. It was afterwards allowed to the Popes, who soon began in the Emperor's name, and by his permission, to bestow it upon

Archbishops and others. Pope Vigilius could not give it to the Archbishop of Arles till he had gained the Emperor's consent. So that the use of the pall as a symbol of jurisdiction was not established till about the sixth century: and it was originally a secular garment confined to the highest dignitary of the State.

2. There is an entire absence of argument to shew that in the first four centuries Bishops not under the immediate Jurisdiction of Rome did upon appointment receive any token of authorization from the Pope or Bishop of Rome. Where would be the proof, for example, that Athanasius, or Chrysostom, or Basil, had any such recognition before they exercised their Juridical powers? Here is a fact to be established, not a tenet to be propped up by vague expressions of opinion.

The ecclesiastical meaning of the action of the English Church in the sixteenth century was that she withdrew from the Patriarchate of Rome, and virtually set up another Patriarchate for herself. And the doctrine upon which the English Churchmen of the time acted was that jurisdiction resides, not in a single Head upon earth of the Catholic Church, but in the Church itself, and in any national Branch, if in submission to the *entire* Universal Church; and that this is the teaching of Holy Scripture in numerous passages, and also of the Catholic Church during all the early centuries of her existence.

APPENDIX II.

RELATIVE PROPORTION OF CHURCHMEN TO NONCONFORMISTS.

In 1877, the Right Honourable John G. Hubbard, M.P., made the following remarks in a speech delivered by him at Birmingham, which were afterwards published and circulated under the title of *The National Church and the National Society* (Rivingtons) :—

'The religious profession of the people can only be learnt from themselves in answer to an official inquiry addressed to them. Such a religious census was proposed by the Government in 1860; it was again proposed in 1870; but it was in both instances negatived by the Dissenters. Official returns exist, however, which assist in estimating the proportion of the population disclaiming the character of Churchmen. The returns I allude to are the following :—

Children attending Church schools, and schools other than Church schools, in 1870.

Burials in consecrated and unconsecrated portions of public cemeteries.

Marriages respectively solemnised in churches and in the registrar's office.

The religious profession of the army and navy.

The religious profession of inmates of union workhouses.

'Taking the latest information I possess, I find the results of these returns to be as follows :—

'Out of every 100—

	Churchmen.	Dissenters.
The Schools[1] returns show	72	28
Cemetery[2] ,, ...	70	30
Marriages[3] ,, ...	75	25
Army[4] ,, ...	63	37
(of which 37, no less than 24 are Roman Catholics)		
Navy[5] returns show	75	25
Workhouses[6] ,, ...	79	21

'These returns apply to mere fractions of the population, but they are official, and represent, it may be assumed, pretty nearly what would be the result of a real religious census, viz., three-fourths Churchmen to one-fourth dissentients of all classes in England and Wales.'

Mr. Hubbard repeated this calculation in the preface to a speech in the House of Commons on Mr. Osborne Morgan's Resolutions in 1878, as following.—

'Mr. Bright is reported in "The Times" to have spoken thus: "There remains this other argument—that half the population of England and Wales are Nonconformists and that these people are of opinion that an injustice is upheld by Parliament as long as the measure is refused." This grave mis-statement has been often made, it has been as often refuted, but every re-assertion should be followed by a refutation.

'The assertion that half the English people were dissenters from the English Church, first made by Sir Morton Peto in 1862, was grounded upon an unwarrantable inference from the inaccurate statistics comprised in an unauthorised Report in 1851 on "Religious Worship." A genuine religious census which would have numbered the several religious denominations in the country has been steadily and successfully opposed

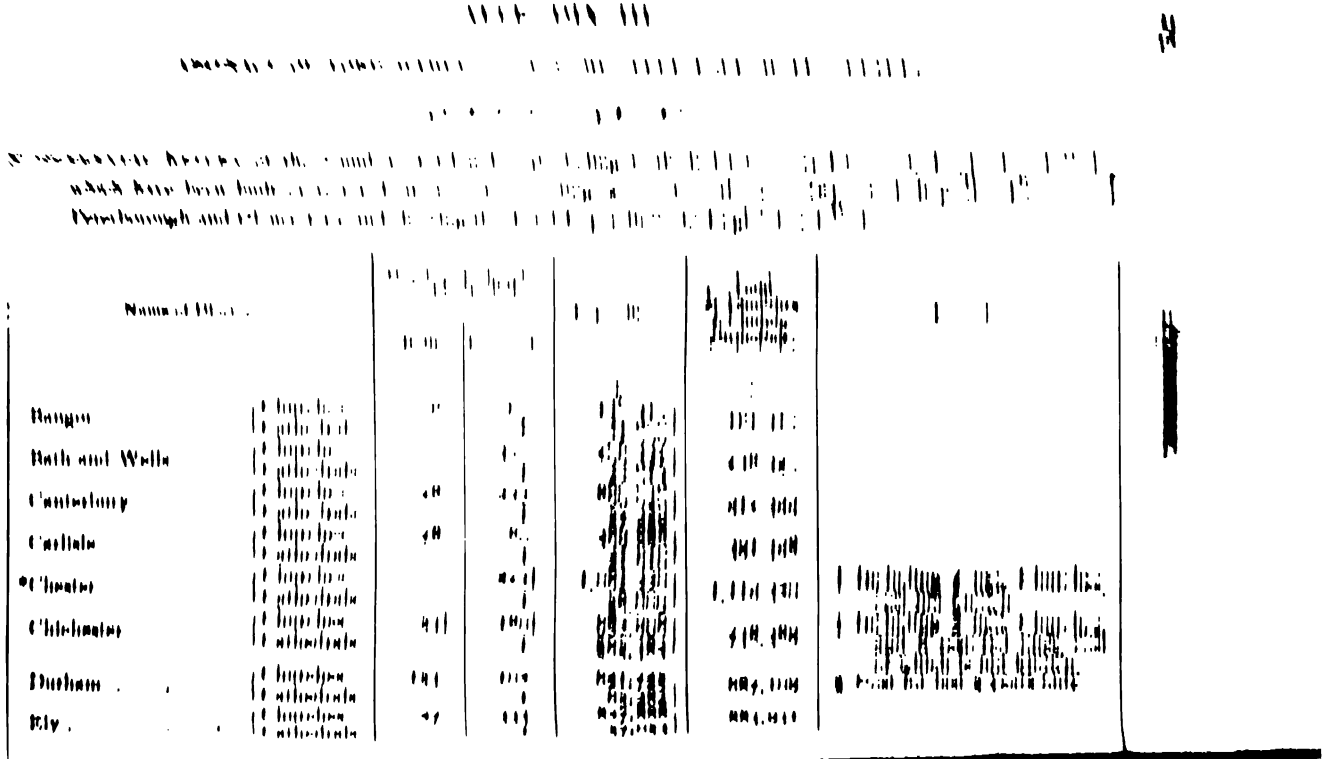
[1] *Report of Education Department*, 1871, c. 406.
[2] *Burials Session*, 1860, Parliamentary Paper, 560.
[3] *Registrar General's Report (thirty-sixth) for* 1873.
[4] *Army Parliamentary Paper*, No. 170, Session 1871.
[5] *Navy Parliamentary Paper*, No. 132, Session 1876.
[6] *Union Workhouses Parliamentary Paper*, No. 157, Session 1876.

by the Nonconformists, but, in the absence of such a census, we may return to official returns bearing on the religious profession of the people, and from a comparison of these we conclude that if a religious census were taken it would show three-fourths of the people of England and Wales as adherents of the National Church. Mr. Bright's estimate simply doubles the number of Dissenters, an error of some moment, when it is alleged to influence legislation to the detriment of the religious rights and liberties of English Churchmen.'[1]

But although the argument has been repeated again and again, no answer as far as I can learn has ever been made to it.

Meanwhile, illustration is shed upon this subject by the last complete return of the Registrar-General. In 1877, 33,593 marriages took place in London, of which 28,893 were celebrated at Church, and 4,720 at Registry Offices or elsewhere. That is, more than 83 per cent. were married according to the rites and ceremonies of the Church of England.

[1] Preface to the Speech of the Right Hon. J. G. Hubbard, M.P., on Mr. Osborne Morgan's Resolutions, &c., 1878, pp. 4, 5.



*Exeter	Churches	—	400	757,005	782,305	
	Cathedrals	—	1	25,300		
*Gloucester and Bristol	Churches	—	328	906,069	992,883	
	Cathedrals	—	2	86,814		
Hereford	Churches	28	187	395,050	443,641	
	Cathedrals	—	1	48,591		
Lichfield	Churches	169‖	244‖	1,177,584	1,177,584	
	Cathedrals	—	1			
Lincoln	Churches	67	399	936,088	972,643	
	Cathedrals	—	1	36,555		
Llandaff	Churches	58	110	115,111	145,111	
	Cathedrals	—	1	30,000		
London	Churches	14	388	2,708,613	2,770,816	
	Cathedrals	—	1	62,203		
Manchester	Churches	193	142	1,451,419	1,510,826	
	Cathedrals	—	1	¶59,407		
Norwich	Churches	29	367**	649,338	666,338	
	Cathedrals	—	1	17,000		
Oxford	Churches	145	415††	1,285,357	1,305,357	
	Cathedrals	—	1	20,000		
*Peterborough	*b* Churches	—	323	674,081	674,081	
Ripon	Churches	182	165	‡‡914,622	954,622	
	Cathedrals	—	1	40,000		
*Rochester	Churches	—	462	1,394,048	1,413,924	
	Cathedrals	—	1	19,876		
*Saint Asaph	Churches	—	148	398,402	408,371	
	Cathedrals	—	1	9,969		
*Saint David's	Churches	—	228	346,618	374,453	
	Cathedrals	—	1	27,835		
Carried forward		1,302	5,916	20,231,273	20,231,273	

‖ No Returns have been received from 134 Churches, and the amounts expended on building and restoring 11 Churches are not given.

¶ Including cost of Chapter House.

** No Returns from 138 Churches.

†† School-chapels in hamlets have been counted, although the cost has been under 500*l.*, being considered part of the Mother Parish.

‡‡ It is probable that from 50,000*l.* to 100,000*l.* may have been further expended.

Name of Diocese		Number of Churches and Cathedrals		Expenditure	Total Expenditure of Churches (including Cathedrals)	Remarks
		Built	Restored [a]			
Brought forward		1,302	5,916	20,231,273	20,231,273	
*Salisbury	Churches	—	333	879,426	930,000	§§ Including cost of Chapter House.
	Cathedrals	—	1	§§50,574		
Sodor and Man	‖‖Churches	4	11	26,220	26,220	‖ Cathedrals not distinguished.
Winchester	Churches	294	296	2,038,373	2,042,873	
	Cathedrals	—	1	4,500		
*Worcester	Churches	—	332	¶¶912,705	1,027,001	¶¶ The Restorations are supposed to have cost more than this sum.
	Cathedrals	—	1	114,296		
York	Churches	127	252	1,216,816	1,291,336	
	Cathedrals	—	1	74,520		
GRAND TOTAL FOR ENGLAND AND WALES		1,727	7,144	25,548,703	25,548,703	

a Churches rebuilt are included under this head. *b* Cathedrals not distinguished.

* In these Dioceses Churches Built not being distinguished from Churches Restored, are included under the heading 'Restored.'

Note.—Churches restored at a cost of under 500*l.* are not included in this Summary.

The return is dated February 22, 1876. So that, taking into consideration (*a*) that four years have now elapsed since the time when the Return was completed, so that it must have not included many works then in progress, and (*b*) that no restorations under 500*l.* are included, and (*c*) that work done before 1840 is omitted, it seems not improbable that the round sum of forty millions which is often assigned to the work done in this century is considerably less than the truth.

APPENDIX IV.

1. THE annual income derived from the endowments of the Church of England is estimated at rather more than FOUR MILLIONS STERLING.

2. Of this sum—

Tithes and Rents voluntarily given to the Church of England by charitable persons *before* the Reformation, bring in, in round numbers, about	1,950,000*l.*
Tithes, Rents, and Interest on Money voluntarily given to the Church of England *since* the Reformation bring in, in round numbers, about	2,250,000*l.*
Total Gross Yearly Value of Endowments, about . .	4,200,000*l.*

Of which sum the State takes as

Taxes, &c., other than the Income Tax, and sums usually paid by occupiers, in round numbers about . . .	700,000*l.*
	3,500,000*l.*

3. The sum of 3,500,000*l.* is therefore, in round numbers, the amount of the net stipends received by the Bishops, Priests, and Deacons of the Church, who number—taking the working clergy alone—some 20,900. It is thus divided :—

2 Archbishops 28 Bishops 75 Archdeacons	receive, in round numbers, about	173,000*l.*
30 Deans 132 Canons 128 Minor Canons 600 Singers, Lay Officers, and Servants	,, ,, ,,	203,000*l.*
19,600 other Clergy, Rectors, Vicars, and Curates	,, ,, ,,	3,124,000*l.*
	Total net Salaries received .	3,500,000*l.*

on an average little over about 200*l.* per annum for each Clergyman.

This of course does not include seat or pew-rents, offertories, or other voluntary contributions, by which the income of the church, as a body, is greatly augmented.

Nor again does it take into account the large subscriptions paid by the clergy towards the maintenance of schools, choirs, and sick, and other objects which often to a large degree assume the character of a morally imposed tax upon their incomes.[1]

The annual value of the Church property confiscated in Henry VIIIth's reign, after deducting what was restored to the Church, was, I believe, in the money of the present day, about 1,500,000*l.*

Besides these, we must also reckon the large amount of Church property which was allocated before the Reformation to the support of numerous colleges in Oxford and Cambridge, but which has been mainly dissociated from the Church in our days.

[1] See Leaflet of the Church Defence Society.

APPENDIX V.

LETTER TO 'THE NATIONAL CHURCH' UPON THE BEST POLICY ON THE BURIAL QUESTION.

SIR,—During the present lull of the storm, when Nonconformists are quietly preparing to make a rush if they can into our citadel at the next election, as you watchfully tell us, may I say a few words with the view of leading Churchmen to adopt a more far-seeing policy than what they generally embrace?

Let us analyse for a moment the majority which would let Dissenters into our Churchyards. First, there would be the Nonconformists, who regard such a step as 'the preparation for that last and greatest achievement,'—'the Disestablishment of the Church, and the giving to the Churches of every faith and order an equal standing before the law of the land.'—(Parkinson 'On State Churches,' 247). This class may include, or rather imply, also a following of a paler cast, which, active and determined as it is, could effect nothing without the aid of Erastian, or Erastianizing Churchmen. Haunted, even at this period of the nineteenth century, with Hooker's ideal of the identity of Church and State; possessed with a vague notion that, because under present circumstances all legislation for the Church is made by Parliament, therefore the Church is created and maintained by the State; rashly concluding that therefore all citizens have some sort of Church rights, and ought to reckon amongst them that of Burial according to their own ceremonies;—these Churchmen, with their faint idea of the independence of the Church in origin and present exist-

ence, are most difficult to deal with. We must try, no doubt, to educate them to a better acquaintance with the facts of history and the nature of Ecclesiastical property;[1] but, meanwhile, we must deal with the question itself upon principles adapted to our own times, not to the sixteenth century, before Nonconformity was a fact. And, if I mistake not, we are gradually coming to do so.

The true defendant in the suit of Nonconformists, unless indeed they are non-suited, is the State, not the Church. If they are without the proper rights of Burial, it is not for the Church to bestow these any more than to provide them with Chapels. But it is the business of the State to see that all citizens have all that is needful in life and in death. And if after scrutinizing the claims of Nonconformists, she comes to the conclusion that they are well-founded, plainly she ought to satisfy them, not by stripping the neighbours of Nonconformists, but by making some provision which would entail injustice on no one.

This doctrine seems surely so plain that it must need no more than elucidation to commend it. And the speeches of Mr. Cross and Mr. Grantham have shown that it is winning acceptance. But the advantage of pressing it would be found in shifting the burden from the Church.

While therefore, as in Mr. Marten's useful Bill, which has been passed with such majorities in the House of Lords, every facility is provided for voluntary agency, it would fol ow that the State ought to be ready herself, out of her own resources, not by taking Naboth's vineyards, to relieve any pressure that may be really felt. And if the question is to be settled, it must be by a comprehensive measure, as in the School settlement, which affords a useful and suggestive precedent, that should give scope for all genuine and practical solutions of the difficulty.

I enclose a resolution unanimously adopted by the Clergy

[1] See this point exhibited in *The Present Aspect and the True Settlement of the Burial Question* (C. Kegan Paul and Co.), by the author, pp. 9–12.

of the North Kineton Deanery on the 1st inst., which may be perhaps a general adumbration of the leading lines of such a measure; and commending these remarks to Churchmen,

I am, yours very faithfully,

EDWARD MILLER.

Butler's Marston, July 5, 1879.

NORTH KINETON DEANERY.

DIOCESE OF WORCESTER.

'Unanimously resolved:

'That the Burial difficulty would best be solved upon the following principles:—

'1. By showing that the State is the true defendant in the suit of Nonconformists, not the Church.

'2. That all possible facilities should be secured by law for providing new Burial grounds wherever they are wanted.

'3. That the State should contribute a certain portion of outlay, and that the rest may be supplied—

'(*a*) By the Church or other denominations, in which case the Burial-ground, or such part of the Burial-ground as any Religious Body or Bodies may thus provide, shall be the exclusive property of the Religious Body or Bodies in question, subject to the possession of a right by every citizen dying in the district to be buried there, either with the ministrations of the Burial-ground in question, or without any service at all.'

'(*b*) By a general charge upon the district, in which case the ground thus provided shall be public to all citizens upon such regulations for order and decorum as the State shall prescribe.'

APPENDIX VI.

PROPOSAL MADE BY THE CONVOCATIONS IN 'THE DRAFT BILL' FOR EXPEDITING REFORMS.

THE proposal embodied in the Draft Bill suggested by the Convocations is grounded upon a most important and dangerous root-error, which is the more to be regretted, as it occurs in the midst of much information of the greatest value, as indeed is to be expected from such a source.

'It is frequently said that the voice of the House of Commons represents, in the Church of England, that lay voice which, in the early Church, gave assent to the determination of Synods. It will perhaps be more true to say that it is the Crown, rather than Parliament, that answers to the assenting laity of early times, as when Articles and Canons are published by Royal Authority. Parliament then will represent the State, in its purely civil aspect, accepting legislative proposals from the Synods or from the Crown, and giving them the force of laws of the realm, and the sanction of civil penalties. If this be a true account of the position occupied by Parliament in regard to the Church, it will be seen that the admission of an element alien to the Church of England does not affect the constitutional relations of Parliament and the Church. If the House of Commons represents the people of England (and undoubtedly its mixed composition makes it do so the more accurately), then it may rightly speak in the name of the people, and give or withhold civil sanction to ecclesiastical legislation.'—*Report on Relations of Church and State by Committee of Lower House of Canterbury*, p. 11.

The representation of the 'lay voice' of the Church of England belongs neither to the Crown, nor to the House of Commons, nor to the House of Lords, exclusively: but it is to be found in the Crown and Parliament of England, Lords and Commons, if we can separate that from the rest of the Imperial Parliament. If we cannot separate the English Parliament from the rest, and if the Imperial Parliament is not the legatee in full of the Parliament before the Union, then part of the representation of the 'lay voice' is in abeyance. But to argue that because it is *more true*, which I will not deny, that 'the Crown rather than Parliament' answers to the assenting laity of early times, therefore, virtually this is *wholly true*, and Parliament represents 'the State in its purely civil aspect,' and that it is 'constitutional' to leave the Laity to be represented solely by the Crown with its present powers, is symptomatic of a want of clear insight into the subject that is most surprising as coming from such a quarter, not to speak of the really unstatesmanlike proposal in the Draft Bill of virtually depriving the Laity of their Constitutional privileges, which itself is inconsistent with the part of the Report recommending the formation of a Lay Consultative Assembly.

The main source of the confusion in the whole passage is to be found in a failure to apprehend the organic change which was effected by the original Union of the Parliaments in 1705. The real change consisted, not in the introduction of Presbyterians into the London Parliament, but in the presence of Members for Scotch Counties and Boroughs, and of Scotch Representative Peers, who could by no possibility be taken as belonging to the Church on this side of the Border, or as possessing any voice in regulating her concerns, except from an Imperial and external point of view.

The objections to the Draft Bill may be tabulated thus:—

1. It is grounded upon a complete misapprehension of the constitutional position of the Imperial Parliament, which has an Imperial, not a Lay relation to the Church of England.

2. It would virtually extinguish Lay co-operation

3. It would hinder the development of a National Council.

4. It would kindle the jealousy of the Laity.

5. The measure itself is unconstitutional, both as regards the State, and the Church.

6. It is weak, inasmuch as it would let legislation proceed from a section of the Church.

7. It is impolitic, if not impossible, in the present unreformed condition of the Convocations.

When the Bishop of Carlisle in his Pastoral Letter, writing as it appears to recommend 'the Draft Bill,' argues that a National Council is not to be thought of, because 'it is impossible for an ancient institution, like the Church of England, to throw off its old traditions and get rid of its history,' the answer is ready. It is precisely because of 'the history' of the Church of England that the re-establishment of such an Assembly is advocated. The Bishop admits that, 'perhaps if we could conceive beginning *de novo* in Church Matters, one Convocation (? National Council) for all England would appear sufficient and commend itself as most convenient.' So that on the abstract question, I claim his lordship's support. His objections are, (*a*) a supposed want of historical precedent, which we see is merely imaginative, and (*b*) fusing the Convocations into one Assembly, and bringing them there, which is far from being my proposal. I should never recommend anything so much at variance with historical precedent, and constitutional custom. The Bishop does not see that National Councils have simply sunk into abeyance; that they lie in virtual but occult existence amidst the history and Constitution of any National Branch of the Catholic Church, and of England herself; and that the Laity may be safely introduced there, not to occupy seats belonging to the Clergy, or to participate in their exclusive duties and privileges, but to fill up the space which is peculiarly their own, and to act as an integral portion of the Church of Christ in this Realm.

APPENDIX VII.

LETTER TO 'THE GUARDIAN' ON DIOCESAN INSPECTION OF BOARD SCHOOLS; OR, RATHER, DIOCESAN EXAMINATION OF CHURCH CHILDREN IN BOARD SCHOOLS.

SIR,—I cannot help thinking that the course to be pursued by the Church with respect to board schools will be shown in clear light, if people will only throw aside preconceived ideas, and try to work out the question upon the principle which virtually underlays Mr. Forster's Act.

That principle was that in cases where the denominational system would not ensure education even if aided by the State, common State schools should be established, with as much religious teaching as contending opinions would allow, and—for this, too, was virtually implied—that it should be left to the Church and other religious bodies to supply all that was further needed. Even in denominational schools the State renounces all examination of religious knowledge. And in board schools upon the same principle, everything distinctive was jealously excluded from the circle of instruction. But why? That no distinctive doctrine should be taught the children? By no means. Such grounds would have been repudiated by many of the Churchmen, to say the least, who helped to pass the Act. But it was taken for granted throughout, that where the State stopped short, the Church or the denomination would step in, and provide in other ways for the religious education of their own children. This is the lesson which we have yet practically to learn. The Church must see that her own children enjoy

proper religious teaching, even if they are unfortunately brought up in board schools.

What, then, are the practical corollaries involved in this principle?

1. That board schools cannot be made into Church schools, and that the sooner Churchmen cast away such a chimerical idea the better. No statesman could have given a different answer from that of Lord George Hamilton. And, on the other hand, a diocesan inspector could not examine a board school without leaving behind him half of the Church's doctrine. The whole is an attempt to bring together two systems which will not, and cannot as things are at present, coalesce. People are really haunted by Hooker's theory, that the Church and the State are identical, when they have in fact drifted in part asunder.

2. But, nevertheless, the bulk of the children in board schools are Church children; and if the Church did not take active measures for teaching them religious knowledge and habits she would act a strangely unnatural part. How is this to be done?

(1.) By energetic exertions made by Churchmen as citizens that all the religious teaching which is allowable in board schools should be taught, and taught effectually.

(2.) By increased attention to Sunday-schools in places where board schools are in operation, with especial care that the distinctive teaching which is not given in the board school shall be thus supplied.

(3.) By catechizing in church both on Sunday and, if necessary, during the time allowed for religious instruction, if that is not given satisfactorily in the board school.

(4.) And now I come to the point of the discussion in your columns. From what has been said, it will follow that *the Church's plain duty is to examine the Church children of board schools with a true Church of England examination.* Not, observe, board schools, but the Church scholars of board schools. With board schools the Church can have no direct

concern; but in her own children who receive secular education there, and a modicum of religious instruction, she has the warmest and an inalienable interest.

And the examination may be conducted, according to circumstances, in one of the following ways :—

(*a*) Another room may be provided, and leave obtained for the Church children to absent themselves from the board schools for the morning or afternoon.

(*b*) School may be dropped for the nonce by the authorities of the board school, and the use of the schoolroom allowed for the examination.

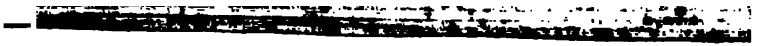
(*c*) In cases where neither of these plans is available, then the examination must be held on a Saturday, or at some other day or hour when the school is closed.

If I mistake not, this plan, or a similar one, is alone open to us. And the sooner we adopt it the better. The indirect influence on board schools would be most beneficial, and would also be perfectly legitimate.

But if I speak more confidently than is becoming, I hope that it will be set down to the clearness of a conviction which, however, is open to correction if it prove to be unfounded.

EDWARD MILLER.

BUTLER'S MARSTON, *June* 6, 1879.



INDEX.

AAR

AARON, 75
Adjustment, 166, 208–243
Agnostics, 197
Aidan, St., 40
Alexander III., Pope, 118
Anglo-Saxon Church, 106–116
Anselm, St., 47, 107, 121, 128
Archbishop of Canterbury, 235, 236
Archbishops, 217–219, 222, 243
Arches Court, 234
Army Chaplains, 162
Arnold, Dr., 196
Arundel, Archbishop, 127, 211
Athanasius, St., 81, 83
Athelstan, 111
Atterbury, Bishop, 127, 154
Augustine, St., (Canterbury), 40, 43, 55, 77, 100, 106, 108, 110, 198
Augustine, St. (Hippo), 78

BASILISCUS, 103, 113
Baxter, 147
Becket, 121, 122
Bellarmine, 7
Benson, Bishop, 238
Berkeley, Bishop, 156
Birinus, St., 43, 106

CAN

Bishops, 83–85, 161, 181, 221, 227, 231, 233, 236, 240
— successors of the Apostles, 76–79
— appointment of, 104, 114, 129, 138, 142, 143, 167
Board of Guardians, 162
Board Schools, 161, Appendix VII.
Bolingbroke, Lord, 12
Boniface, St., 45, 46
Bridgeman, Lord Keeper, 147
Bright, Mr., 187
Brougham, Lord, 230
Bunsen, Baron, 196
Burial Question, 204, Appendix V.
Burnet, Bishop, 154
Butler, Bishop, 156

CAERLEON, Archbishopric of, 39, 108, 218
Canons, the, 143
Canterbury, province of, 44, 107, 116, 119, 125, 127, 144, 155, 213, 217, 218, 232
Cantilupes, the (Walter, Bishop of Worcester, and Thomas, Bishop Hereford) 126,
Canute, 112

CAW

Cawdrey's case, 140
Celtic Church in Wales, 217
Celtic Nations, 3
Cemeteries, 161
Chancellor, the Lord, 181, 231, 235, 236
Charlemagne, 111
Charles II., 147, 209
Chalmers, Dr., 204
Chichele, Archbishop, 130
Church, the Catholic, Divine, 22–36
— the Charter of the, 60, 75
— Constitution of undivided, 98–105
— jurisdiction of, 59–64, 118
Church of England not a Parliament Church, 4, 22, 52–57, 173, 176, 186, 197, 198
— Divine, 37–57, 97
— early missions of the, 45–47
— appeals to a General Council, 49
— unity of, 107, 245
— jurisdiction of, Appendix I.
— income of, Appendix IV.
Church and State in America, 8, 207, 238
— Colonies, 8, 94, 207, 238
— Germany, 1, 6, 69, 96, 196, 197
— Holland, 46, 172
— Ireland, 1, 8, 40–42, 92, 93, 172, 192, 193, 207
— Italy, 1, 7, 53, 68, 74, 96
— Scotland, 204, 207
— Switzerland, 8
Churches, 181
Church-rates, 161, 208
Churchwardens, 240
Clarendon, Constitutions of, 119, 122, 235 *note*
Clarendon, Lord, 153
Clergy, 5, 56, 75–79, 199, 202, 206, 239

COU

Clergy, Bishops, declarers of doctrine, 85, 227
— educational, 214–216
— generally, initiators of ritual and discipline, 86–89, 169, 227
— representation of, 213–216
Clergy Relief, 162
College of Preceptors, 216
Colleges, 160
Colonial Churches, 94, 162, 172, 193
Columba, St., 40, 41
Columban, St., 41, 42
Consecration of Bishops, 243
Congé d'élire, 143, 200, 237, 241, 243
Congregationalism, 25–27, 74
Conquest, the Norman, 47–48
Conscience clause, 161
Constantine, 98, 101, 103
Constitutional Adjustment, 156, 208, 243
Constitutionalism, 210, 245
Convocations, the, 51, 121, 124–127, 132, 137, 143–146, 149–156, 163, 169, 209–219, 224
Council of Antioch, 84 *note*, 99, 103
— Ariminum, 39, 85, 103
— Arles, 39
— Carthage (4th), 100
— Chalcedon, 99
— Chelsea, 111
— Constantinople (5th), 99
— Hatfield, 44
— Hertford, 44, 100
— Jerusalem, 32, 82, 83
— Nice, 83, 85, 99, 102
— — (2nd), 104
— Sardica, 39, 103
— Seleucia, 85, 103
Councils in the Colonies, 94

COU

Councils, *see* General, Provincial, Diocesan
Court of appeal, 141, 142, 160, 161
— Commission of Review, 142, 161
— Delegates, 142, 160, 230–234
— High Commission, 141, 148, 230, 236
Cromwell, Thomas, 135, 138
Curates, 213, 214
Cyprian, St., 81, 100

DEANS and Chapters, 238.
Denison, Archdeacon, 175
Diocesan Synods, 105, 224, 238, 240, 242
Directory, the, 61
Disestablishment, 8, 165, 171
Dissenters, 4, 22, 52, 55, 56, 145–147, 160, 162, 172, 174, 187–191, 197, 200, 204, 209
Divorce, 161
Draft Bill, 167, 219, 220, Appendix VI.

ECCLESIASTICAL LAW, 232
Edgar, 112, 113
Educational Clergy, 214–216
Edward the Confessor, 112
— I., 48, 125, 126, 139
— II., 130
— III., 48, 130, 132, 143
— IV., 136.
— VI., 50, 136, 140, 141, 144
Edwardian Era, 211
Egbert, Archbishop, 107
Eighteenth Century, 154–159, 202
Elizabeth, 136, 140–142, 143, 144
Ely, 219
Endowments, 182
Erastianism, 197

HOB

Establishment, Four Phases of, 8–10, 179; what it is, 180
Ethelbert, 43, 108, 110
Ethelred, 112
Ethelwolf, 111
Excommunication, 64

FAST-DAYS, General, 162
Felix, St., 43, 106
Finance, 86, 89–93, 223
Friars, 131
Fridolin, St., 42

GALL, St., 42
General Councils, 207
Gloucester, 219
Grahamstown, Bishop of, 171
Grammar schools, 160
Gregory the Great, 216
Gregory VII., 7
Grindall, Archbishop, 141
Grosseteste, Bishop, 126

HAMPTON'S, Lord, returns, Appendix III.
Harrison, Mr. Frederick, 173, 175
Harwood, Mr. 195
Headmasters, meetings of, 216
Henry I., 121, 128
— II., 121, 122, 129
— III., 126
— IV. 130, 211
— V. 130, 132
— VI. 131
— VII. 136
— VIII., 136–140, 142, 143
Heptarchy, 56
Hoadley, 154
Hobbes, 11

HOL

Holidays, 162
Holland, 46, 172
Holy Scripture, 16, 20, 27, 29, 33, 34, 75, 76, 79, 80
Hooker, 9, 10, 116
Hope's, Mr. Beresford, returns, Appendix III.
Horne, Bishop, 156
Hugh, St., 123
Hughes, Mr. T., 195

INDIFFERENTISM, 226
Increased State control, 166, 195–207
Innocent III., 7, 128
Irish Church, 1, 8, 40–42, 93, 172, 192, 193, 207

JAMES I., 144
— II. 141, 153
Jerome, St., 86
Jerusalem, Council of, 32
JESUS CHRIST, Our Lord, founded the Catholic Church, 27–31, 38
Jews, 159
John, 122, 123, 129, 142
John the Baptist, 29, 30
Jones, of Nayland, 156
Judicial Committee, 160, 200
Judiciary, 167, 228–236
Jurisdiction. *See* Church, Catholic; Church of England.
Justinian, 103, 104
Jutes, 43

KILIAN, St., 42
Kilwarby, Archbishop, 125

NAT

LAITY, 5, 79–82, 99, 150–153, 169, 170, 182, 206, 209, 225, 226, 240
— Managers of Finance, 86, 89–93, 223, 226
Lanfranc, Archbishop, 47, 107, 118, 119
Langton, Stephen, 123, 126, 128, 129
Law-courts, 163, 208
Lay-preaching, 132
Legatine Synods, 128, 211
Letters of business, 222
Lichfield, Archbishopric of, 217
Lincoln, 219
Lindisfarne, 40
Llandaff, 218
Lollards, 49
London, projected province of, 217
Longley, Archbishop, 155
Louis Napoleon, 198

MACKONOCHIE, Rev. A. H., 17–20, 65, *note*, 175, 183
Magna Charta, 56, 120–123, 126, 129, 142, 198
Mahomet, 28
Manton, 147
Marriage, 161
Mary, Queen, 49, 136, 143, 144
Menevia, 218
Metropolitans, 114
Mission, 238
Musgrave, Archbishop, 155
Moses, 28

NATIONAL Churches, 35, 36
— Councils, 44, 56, 107, 115, 119, 120, 121, 124, 127, 128, 145, 150, 169, 211–224, 236

National tastes, 2
Nelson, Robert, 156
Nonconformists, *see* Dissenters, 4, 22, 52, 55, 56, 194, 195, 204, Appendix II.
Norman Conquest, 116, 117, 118, 120, 128, 131
Northumbria, 40

ODO, 115
Oswald, 40

PALL, the, 128, Appendix I.
Parker, Archbishop, 50, 54, 141
Parliament, 56, 145, 146, 149–153, 159, 160, 209, 211, 220
Parliamentary Grants, 162
Parochial system, 44, 45, 110
Patronage, 167, 237–243
Paulinus, 40
Peccham, Archbishop, 125
Pole, Cardinal, 212
Pope, the, 128, 129, 138, 139,
Prayer-book, the, 144–146, 157–159, 196, 232
Præmunientes clause, 124, 125, 129
Præmunire, 48
Priests, 76, 83, 84
Probate, 161, 208
Provincial Synods, 84 *note*, 99, 100, 105, 124–127, 132, 169, *see* Convocation
Provisions, 129
Prussia, 16, 196, 197, 200. *See* Church in Germany
Purchas case, 161, 231

QUEEN'S letters, 162

REBELLION, the, 50
Reformation, the, 131, 134–148
Registration, 161, 208
Representative action, 83, 99, 107, 151, 152, 167
Rich, St. Edmund, 126
Richard I., 129
— II., 48
— III., 136
Roman Catholics, 4, 7, 22, 52, 55, 68, 96, 159, 162, 179, 194, 197
Romance nations, 73
Romani, Archbishop, 125
Roses, wars of, 134–136
Royal Supremacy, 81, 101, 102–105, 113, 114, 128, 140, 141, 150, 170, 180, 181, 209, 221, 223, 226, 228, 229, 241

S. P. C. K., 157
S. P. G., 157
Savoy Conference, 145
Secularists, 197
Selwyn, Bishop, 238
Sherlock, Bishop, 156
Sidesmen, 240
Simony, 238
Solitarism, 23–25, 74
Spinoza, 12
St. David's, 218
Stephen, 141
Stigand, Archbishop, 115, 118
Switzerland, 172
Synod, *see* Council, National Councils, Provincial Councils, Diocesan Councils

TAX

TAXATION of Clergy, 153
Tertullian, 38
Test and Corporation Act, 159, 160
Tests, 159, 160, 208
Teutonic nations, 3, 74, 206, 220, 226
Theodore, Archbishop, 44, 45, 55, 100, 106, 110, 112, 115, 212
Thomson, Archbishop, 155
Three Estates of the Realm, 119, 149, 150, 169
Tithes, 63, 109–113, 162
Tooth case, 161
Treason, law of, 64 *note*

UNITARIANS, 154, 197
Universities, 160
Ussher, Archbishop, 147

VESTRIES, 42
Vigilius, 248

YOR

WAKE, Archbishop, 127, 154
Wales, Church in, 108, 217, 219
Walpole, 155
Warburton, Bishop, 12
Warham, Archbishop, 48
Wesley, John, 91, 131, 157
Wesleyanism, 131, 157
Wilberforce, Bishop, 240
Willibrord, St., 45
William the Conqueror, 47, 119
Wilkins, Bishop, 147
Wilson, Bishop, 156
Witenagemot, 56
Wolsey, 129, 212
Wordsworth, Bishop, 238
Wykeham, William of, Bishop, 132

YORK, province of, 107, 125, 144, 213, 217, 218

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